

**CITY OF AIRDRIE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**RE: Appeal for Cancellation of Tenancy Permit 52-12**

**Appellant:** 1818622 Alberta Ltd.  
operating as Dog E Daycare/  
EJ Rescue

**Property:** 2, 69 East Lake Cres  
(Block 2, Plan 8710742)

**Hearing Date:** October 16, 2024

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**Brief of the City of Airdrie Development Authority for the Merit Hearing**

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**FIELD LAW**

400, 444 7<sup>th</sup> Ave SW  
Calgary, AB T2P 0X8

**Attention: Julie Shepherd**

Counsel for the Development  
Authority

**FOSTER LLP**

2100, 520-5<sup>th</sup> Ave SW  
Calgary, AB T2P 3R7

**Attention: Brendan Miller**

Counsel for the Appellant

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## I. INTRODUCTION

1. This brief and the attached documents constitute the written submissions of the City of Airdrie Development Authority (the “**Development Authority**”) on the issue of merit.
2. The Appellant 1818622 Alberta Ltd. (“**181**”) is the current owner of the bay located at 2, 69 East Lake Cres (Block 2, Plan 8710742) in the IB-2 District (the “**Property**”).
3. Dog E Daycare is the registered trade name of 181. EJ Rescue Foundation (“**EJ Rescue**”) is a non-profit. Trina Demeria is the sole director and shareholder of 181 and one of two directors of EJ Rescue.
4. This appeal relates to the Development Authority’s decision to cancel Tenancy Permit 52-12 (the “**Permit**”) for the Property on June 6, 2024.

## II. ISSUES

5. Should the cancellation of the Permit be upheld.

## III. FACTS

### *The Permit*

6. On September 14, 2012, an application for a Tenancy Permit was made to the Development Authority by the former owner of the Property. A copy of the application materials are attached hereto and marked as **Exhibit “A”**.
7. The Permit was approved with conditions on September 17, 2012. A copy of the letter of approval is attached hereto and marked as **Exhibit “B”**.
8. On June 6, 2024, the Development Authority made the decision to cancel the Permit. A copy of the letter notifying 181 of its decision is attached hereto and marked **Exhibit “C”**.
9. The Permit was cancelled after the written decision of the Honourable Justice M. Bourque, Justice of the Court of King’s Bench filed June 2, 2024 (the “**Bourque Decision**”), a copy of which is attached hereto and marked as **Exhibit “D”**.
10. In the Bourque Decision, the Court issued a declaration that the operation of EJ Rescue on the Property was in violation of the Permit.
11. The Development Authority’s decision to cancel the Permit was based in part on the Bourque Decision, which we solidified into a form of order filed August 6, 2024, a copy of which is attached hereto and marked as **Exhibit “E”**.

*Background to the Cancellation*

12. This brief will focus on the planning reasons which, we respectfully submit, justify the cancellation of the Permit.
13. Some of the evidence that the Development Authority relies upon for this merit hearing has already been tendered in sworn Affidavits in the related legal action.
14. The Affidavits of Brad Tomlinson, Team Lead Municipal Enforcement filed December 18, 2023, December 21, 2023, and January 10, 2024 are marked hereto as **Exhibit "F"**, **Exhibit "G"** and **Exhibit "H"**, respectively.
15. The Affidavit of Trina Demeria filed January 10, 2024 is attached hereto and marked as **Exhibit "I"**.
16. Originally, the Property was used to operate Dog E Daycare. In or around 2020, Airdrie Municipal Enforcement became aware that EJ Rescue was also operating out of the Property.
17. There is a lengthy history of complaints having been made to Municipal Enforcement regarding Dog E Daycare and EJ Rescue. Dog E Daycare has been charged and convicted three times for failing to have a business licence.
18. On December 5, 2023, Mr. Thomlinson conducted a business licence inspection on the Property. It was then that he observed numerous animals in distress.
19. The ASPCA and a veterinarian attended the Property that same day and 15 dogs requiring immediate medical attention were seized. One Dog E Daycare dog was found in a locked car and it was picked up by its owner.
20. On December 12, 2023, Mr. Thomlinson obtained and executed a warrant to seize the remaining 29 dogs on the Property. All 44 animals seized from the Property were determined to belong to EJ Rescue.
21. On December 22, 2023, Airdrie obtained an injunction to cease the operations of Dog E Daycare for failing to have a business licence.
22. On January 17, 2024, Airdrie's Chief Licencing Office sent a letter to Dog E Daycare confirming that it still did not have a business licence for 2024 and thus could not operate. Attached hereto and marked as **Exhibit "J"** is a copy of this letter.

**V. LAW AND ARGUMENT**

23. This is a *de novo* hearing.

24. The reasons for the Development Authority's decision to cancel the Permit are as follows:
- a. Non-Compliance with the Original Development Permit Conditions;
  - b. Violation of Land Use Bylaw Provisions on Changes to Approved Development Permits;
  - c. Evidence of Substantial Changes to the land use classification, approved site plans and intensity of use of the Property;
  - d. Misalignment of uses with the Land Use Bylaw classifications;
  - e. Appellant's admission regarding the cessation of Kennel operations;
  - f. Denied opportunity for Nearby Property Owners to Provide input;
  - g. History of Complaints and Efforts to Resolve Issues; and
  - h. Authority to Cancel the Development Permit.

**Non-compliance with Original Development Permit Conditions**

25. The application for the Permit was considered under the Discretionary Use Category of "Kennel" as per the Staff Report [Exhibit "A"].
26. Section 1-3(b) of the former Land Use Bylaw B-09/2005 (**the "Old LUB"**) in force at the time of the Permit application defines Kennel as:
- "Kennel means the use of a building or a portion of a building, the primary purpose of which is the boarding of small animals for periods greater than 24 hours for a fee and does not include **Pet Care, Veterinary Clinic or Veterinary Hospital**, and that may provide for the incidental sale of products relating to the services provided by the use and may include outside enclosures, pens, runs or exercise areas" [emphasis added].*
27. The letter of approval [Exhibit "B"] for the Permit included the following express condition:
- This approval applies to the site and uses as indicated on the application form and plans provided and approved. Any changes require a new application.
28. The conditionally approved permit both referenced and included the site plans as an enclosure.
29. A corporate search for EJ Rescue shows that it was incorporated in 2020. Attached hereto and marked as **Exhibit "K"** is a proof of same.

30. According to a news article dated June 29, 2020 (CBC website), a volunteer reported that nearly 60 rescue dogs were being boarded at the Property. Attached hereto and marked as **Exhibit “L** is a copy of this news article.

31. In Ms. Demeria’s affidavit [Exhibit I], she admitted to operating EJ Rescue, an animal rescue, on the Property. She stated:

*“I have been operating Dog “E” Daycare and EJ Rescue Foundation out of the building in issue since 2014 ... [at para 9]*

*... EJ Rescue would initially intake 10 to 20 dogs per month since it started in Canada in 2014” [at para 10]*

*“During COVID, Dog E Daycare lost the majority of its clientele and services were not needed for daycare or boarding. The daycare space allowed for more dogs with the rescue during this time...” [at para 12].*

32. Justice Bourque considered the scope of the Permit and whether the operation of EJ Rescue was in contravention of the Permit. In his decision [Exhibit “D”], he held [emphasis added]:

*“...I am satisfied that, in issuing the Tenancy Permit, Airdrie only issued it for the Kennel use, which was sufficiently broad to allow all the services proposed to be provided by the Former Business Owners. In this case, the operation of EJ Dog Rescue does not meet the primary purpose of the use requirements [at para 23].*

*...the operation of EJ Rescue is a use that is wholly inconsistent with and prohibited by that defined use [kennel] [at para 24].*

*...it is clear that the operation of a dog rescue is a contravention of the Old LUB and the Tenancy Permit issued thereunder. The Respondent’s own affidavit reveals that it has been operating since 2014 in contravention to the permitted Kennel use” [at para 28].*

*I am prepared to issue a declaration that the Respondents have been operating a dog rescue at the Property in contravention of the Tenancy Permit and the Old LUB” [at para 33].*

33. The Development Authority respectfully submits that the appellant’s operation of EJ Rescue on the Property does not meet the “Kennel” use requirements. Further, that the change in use contravened the first condition of the Permit, which invalidated the Permit and triggered the requirement for a new development application.

#### **Violation of the Old LUB and the Current LUB on Changes to Approved Development Permits**

34. The Old LUB and the current Land Use Bylaw No. B-01/2016 (the “**Current LUB**”) mandate that any changes in use require a new development permit application.

35. Section 2-4(3) of the Old LUB states:

A tenancy permit shall be obtained whenever a change of use or change in use intensity takes place, prior to the occupancy of a building or part of a building.

36. The Old Bylaw further defines intensity as "...the relative degree or utilization or capacity of a site or building".

37. Section 2.3.1(1) of the Current LUB states:

Except as provided in Section 2.3.2 (Developments Not Requiring a Development Permit), no person shall commence a development in the City unless a Development Permit has first been issued pursuant to this Bylaw and the development is in accordance with the terms and conditions of the Development Permit.

38. Further, under section 1.13, "development" means:

...

(c) A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

(d) A change in the intensity of use of land or a building or an act done in relation to land or building that results in or is likely to result in a change in the intensity of use of the land or building;

39. The Old LUB and amendments thereto were replaced by the Current LUB. Both the Old LUB and the Current LUB require that a new tenancy permit be obtained *before* a change of use or change in use intensity takes place. The appellant did not obtain a new permit before commencing EJ Rescue, which was both a change in use and a change in use of intensity, for the reasons outlined below.

**Evidence of Substantial Changes to the land use classification, approved site plan and intensity of use of the Property.**

40. The shift from using the Property to operate a dog daycare to using the Property to operate an animal shelter/rescue is a change in the allowed use. The defined use of Kennel involves temporary animal housing for day or overnight use as a paid service for customers. In contrast, a rescue involves animals living on-site 24 hours a day, often for extended periods, as part of

ongoing rescue operations. The nature and duration of animal occupancy brings the use outside of the definition of Kennel, and thus is a change in use.

41. Further, the appellant's use of the Property to operate EJ Rescue resulted in a change in the layout of the building which was not consistent with the approved site plan. The first condition of the approval states that it applies to the site plan and that any changes to the site plan require a new development approval. The site plan [Exhibit "B"] depicted a "board room area", an "open area", "reception" and an "office", each marked by square footage. The "board room area", for the housing of dogs, was 255 sq feet. The site plans indicate that the entire Property was 2251 square feet.
42. On December 5, 2023, Mr. Tomlinson observed all areas of the Property being used as a boarding area. Attached hereto and marked as **Exhibit "M"** are photographs that he took from his walk through of the Property.
43. He also took a video of his walk through of the Property which further shows that dogs were being boarded in the office, the kitchen, the hallway, and all open areas. Attached hereto and marked as **Exhibit "N"** is a copy of this video.
44. The written veterinarian report dated December 5, 2023 of Dr. MacPherson also confirmed the location of the dogs, being outside the designated board room area in the site plan. A copy of her report is attached hereto and marked as **Exhibit "O"**.
45. In that report, she states:

*"The first room to the left to the entrance contained 3 small poodle type dogs, each in their own metal stacking kennel ....*

*The kitchen contained three dogs, in two separate partitioned areas ... The main kitchen area had a wheaten terrier and a small black cocker ...*

*In the partitioned area of the kitchen there is another Wheaten terrier ...*

*To the right of the kitchen there was a room with 7 small breed dogs in 6 metal kennels ... Two additional crates on the floor with medium breed dogs ...*

*Large run contained 1 French bulldog and 2 English bulldogs. Within the run there is another set of metal kennels with small breed dogs.*

*Two additional rooms with metal kennels and small breed dogs...*

*The back of the building there was a large area with numerous large dog crates..."*

46. The expansion of the boarding area is a change in the building layout that were part of the approved site plan. Further, it also constitutes a significant intensification of use as the applicant can board more than four times as many dogs in 2251 square feet, than in the 255 square feet that was approved under the Permit.

**Misalignment of uses with LUB classifications**

47. Under the Current LUB, there are three classifications of Animal Care Services - Limited, General and Major. This distinction in land use classification is reflective of the intensity of the use and the anticipated impacts of that use.
48. The previous use of Kennel would be classified as an Animal Service, Limited while the use as a shelter/rescue would be classified as Animal Care General. This change in classification reflects the increased intensity and duration of use which has broader implications for the adjacent properties. The adjacent land owners have not been given an opportunity to comment on this change in use. Animal Care Services are classified as a discretionary use and the properties close by would be afforded an opportunity to appeal an approval of such a change of use should they wish to do so.
49. The previous LUB did not include a use for shelter. The original Permit was approved as a “Kennel” which is defined as the primary purpose of which is boarding of animals for a fee, which includes an operation such as Dog E Daycare. The change of use to a non-profit animal shelter/rescue does not align with this use.
50. The Old LUB did not clearly identify the land use classification that would apply to an animal shelter/rescue operation. Of the four related uses (“Pet Care Service”; “Veterinary Clinic”; “Veterinary Hospital”; and “Boarding and Impounding Kennel”), Veterinary Hospital and Kennel are the closest that could be applied. While a Kennel land use would generally be appropriate for a facility incorporating a shelter operation, the specification of rescue operations lends itself more to an interpretation of acute medical and other supportive facilities. The animal rescue operation does not fall under the Kennel use. Absent information in the file history that would clarify the then Development Authority’s thoughts and intentions at the time, the Development Authority’s estimation is that the appropriate land use classification for a animal rescue/shelter under the Old LUB would be a “Veterinary Hospital”.

**Appellant’s Admission Regarding Cessation of the Kennel Operations**

51. In Ms. Demeria’s affidavit [Exhibit “1”], she admitted that she is no longer using the Property as a Kennel, meaning using the Property for the primary purpose of boarding animals for a fee (i.e. Dog E Daycare).
52. Specifically, the appellant stated:

*“During COVID, Dog E Daycare lost the majority of its clientele and services were not needed for daycare and boarding. The daycare space allowed for more dogs with the rescue during this time. With adoptions being at an all time low and the business did not have clients. Staffing went from 4 to 2 in December 2022. Then in March 2023, staffing went to 1, just myself [at para 12].*

*Dog E Daycare has not had an active phone or email since April 2023. They do not use their website or Facebook and provide any updates ... [at para 14].*

*On December 5 when Brad came to do a licence check he was advised the daycare was not operating ... he was told that there were no daycare's on site at the time of attendance [at para 18]".*

53. The appellant has abandoned the Kennel use, and has chosen instead to operate an animal rescue/shelter.
54. Section 2.4.7(4)(g) of the LUB states that if a use has been abandoned, the development authority has the right to cancel the DP.

#### **Denied Opportunity for Nearby Property Owners to Provide Input**

55. When the use of the Property changed, the nearby property owners were denied a critical opportunity for public consultation. Under the Old and Current LUB, all discretionary uses are subject to public consultation insofar that nearby property owners are notified of the approval and given a specific time period in which they are able to appeal the decision. During this time nearby property owners have an opportunity to evaluate the application and determine if the use and enjoyment of their own property will be impacted. This process is designed to ensure transparency and accountability. The Permit was approved as a discretionary use and was subject to an appeal period before the Permit was issued. By failing to apply for a new permit for the change in the use and increased intensity of the Property, the adjacent property owners were denied this critical opportunity.
56. In 2007 CGYSDAB 27 [TAB A], the Calgary SDAB decision concerned an appeal from a refusal to issue a development permit for a change of use – a liquor store expansion. The business use confirmation from 2005 identified an area of 31 metres for existing off-sales of liquors on the premises. The proposed liquor store expansion would have a gross floor area of 218 metres. In the opinion of the DA, the proposal was such a significant intensification of use that it should be evaluated under a new permit application.
57. The board upheld the DA's decision finding that the intensification of the use associated with the proposed store and the relaxations of that use would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use or value of the neighbouring parcels of land.

#### **History of Complaints and Efforts to Resolve Issues**

58. The City has received over 21 complaints regarding the operations on the Property. The nature of these complaints included animal welfare concerns, odour, improper disposal of animal waste, dogs at large, noise, and licencing issues. The particulars of some of the complaints are outlined at paragraphs 58-64 of Mr. Thomlinson's December 18, 2023 Affidavit.



59. Dog E Daycare has been convicted of various offences under Airdrie’s Animal Control Bylaw and Business Bylaw, and has never paid its \$2500 in fines.
60. The DA has tried to resolve the complaints of odour made by the adjacent property owner. The City’s Development Compliance Officer issued a notice of inspection on October 7, 2022, and an inspection of the Property was conducted on October 11, 2022 attached and marked as **Exhibit “P”**. Despite warnings to rectify the matter, the complaints persisted.
61. The Development Compliance Officer issued a First Notice on November 29, 2022 warning of fines. Then after another complaint, the DA issued a Second Notice on January 4, 2023 warning of fines and requiring a cleaning plan, which was provided.
62. While the DA never issued a warning to EJ Rescue that its operation was in violation of the Permit, we submit that that would not have stopped the appellant from operating EJ Rescue on the Property. The appellant opposed the related legal action wherein the Court found that the operation of EJ Rescue, an animal rescue, did not fall within the approved use of Kennel.

**Authority to Cancel a DP**

63. The Current LUB offers two remedies: a stop order or the cancellation of the Permit. A stop order is typically issued to bring a use into compliance with an approved development permit or when no development permit is in place.
64. A stop order is not the appropriate remedy in this case because the operation of a dog rescue/shelter, as stated by Justice Bourque, is “wholly inconsistent with and prohibited” by the defined use of Kennel. The change in use from a dog daycare to an animal rescue/shelter triggers the requirement for a new development permit.
65. Section 2.8.7 (5) of the Current LUB states where there is a violation for failure to comply with the development permit conditions of an approved land use, the Development Authority may cancel the development permit.
66. We respectfully submit that the evidence shows that the commencement of the operation of EJ Rescue was a change in use and a change in use intensity. The nature of an animal rescue does not fall within the defined use of Kennel. Further, the expansion of the boarding area on the site plan to include a much larger portion of the site is a drastic increase in intensity, all of which invalidated the existing Permit and triggered the requirement for a new permit application.
67. Furthermore, this change in use and change in intensity was not only a violation of the Permit, but a violation of the provisions of the Current LUB that require new development permits for changes in use.

68. Lastly, the DA also had the authority to cancel the Permit under section 2.4.7(4)(g) of the Current LUB when the appellant admitted that she had stopped using the Property primarily as Dog E Daycare, and shifted the use to EJ Rescue.

**VI. CONCLUSION**

69. Given the evidence of non-compliance with the first condition of the Permit and the violation of LUB regarding changes in use requiring a new permit, the substantial evidence that a change of use has occurred, the appellant's admission of the cessation of Kennel operations (Dog E Daycare), the history of complaints and futile efforts to obtain compliance, the ongoing adverse effects on the neighbouring property owner from the change in use of the Property, the lack of transparency and opportunity for nearby property owners to be heard regarding the change in use, we respectfully submit that the cancellation of the Permit was justified and that the path forward requires the appellant to file an application for a new development permit. s

Respectfully submitted this 10<sup>th</sup> Day of October, 2024.



Per: \_\_\_\_\_

Julie Shepherd, Counsel for City of  
Airdrie Development Authority

**List of Tabs**

1. Exhibit A – Application for Tenancy Permit September 14, 2012
2. Exhibit B – Tenancy Permit Approval September 17, 2012
3. Exhibit C – Letter to Trina June 6, 2024 License
4. Exhibit D – Justice Bourque Decision filed June 3, 2024
5. Exhibit E – Justice Bourque Court Order filed August 6, 2024
6. Exhibit F – Filed Affidavit of Brad Tomlinson December 18, 2023
7. Exhibit G – Filed Sworn Affidavit of Brad Tomlinson December 21, 2023
8. Exhibit H – Supplemental Affidavit of Brad Tomlinson January 10, 2024
9. Exhibit I – Filed Affidavit of Trina January 10, 2024
10. Exhibit J – January 17, 2024 Letter to Trina
11. Exhibit K – Corporate Search EJ Rescue Foundation
12. Exhibit L – June 29, 2020 CBC News Article
13. Exhibit M – Photographs
14. Exhibit N – EJ Rescue Video
15. Exhibit O – Dr. MacPherson Report December 5, 2023
16. Exhibit P – Letters to Trina Notices Smell October 17, 2022
17. TAB A – 2007CGYSDAB27



Application for Development Permit  
Tenancy Permit

(Please note: A Business License and Building Permit may also be required)

Applicant: Karen Sharpe, Kassandra O'Brien

Business Name: Doq "E" Daycare Inc.

Mailing Address: [Redacted]

City/Province: Airdrie, Alberta Postal Code: T4A 0H3

Phone: bus 403-397-3236 cell [Redacted] fax [Redacted] e-mail: [Redacted]

Registered Land Owner: \_\_\_\_\_  
(if applicant is other than owner)

Mailing Address: \_\_\_\_\_

City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: (bus) \_\_\_\_\_ cell \_\_\_\_\_ fax \_\_\_\_\_ e-mail \_\_\_\_\_

Legal Description: Lot 02 Block \_\_\_\_\_ Registered Plan No. 8710742

Address of proposed site: 69 east Lake Cres NE Airdrie, AB

Existing Use of Land/Building: N/A - Vacant -

Proposed Use of Land/Building: Doq daycare/Kennel

I do hereby consent to the use of information included in this application for promotional purposes, news, research and/or educational purposes.

Name: Kassandra O'Brien Signature: [Signature] Date: Sept 14/2012

The information on this form is collected under the authority of Section 33 of the Freedom of Information and Protection of Privacy Act and the Land Use Bylaw and is used solely for Planning, Economic Development and Assessment/Taxation purposes. Questions about collection of this information can be directed to the Planning & Development department at 400 Main Street SE, Airdrie, Alberta, T4B 3C3, telephone (403) 948-8848.

For Office Use Only

Permit Number: 52-13 Receipt Number: \_\_\_\_\_

Approved By  DO /  SDAB Date: \_\_\_\_\_

Refused By  DO /  SDAB Date: \_\_\_\_\_

Issue Date: \_\_\_\_\_



See Reverse



## MINIMUM REQUIREMENTS

- Application fee of \$250.00 (flat rate)
- A copy of the floor plan - A-2.
- A copy of the site plan (showing parking stalls) First front 4, 2 on east & 2 on west.
- An original letter of authorization from the registered landowner (if applicant is other than owner)
- An up to date Certificate of Title
- Any permit approvals from other governing agencies are to be submitted (health approval etc.) if applicable
- A brief description of your business
- ~~DAYCARE APPLICATIONS ONLY - Letters of support from adjacent landowners~~

The above list is a generalized list of requirements. The Development Officer may require additional information (see Land Use Bylaw No. 09/05).

# employees 2.  
Monday - Friday - 6:30 AM - 6:00 PM.  
Sat - 8:00 - 5:00.  
4 available - parking @ back.  
2 in back.  
Unit 2. Bridge & stove - will be taken.



<b>Receipt Number</b>	10330206
<b>GST Registration #</b>	R10692996
<b>Date</b>	9/14/2012

## PAYMENT RECEIPT


**Paid By** K O'BRIEN/K SHARPE

**Notes** TENANCY PERMIT  
69 EAST LAKE CR NE

Payment Type	Roll/Account No.	Description	Amount
General	31	DEVELOPMENT PERMIT	\$250.00

Cash	\$0.00
Cheque	\$0.00
Cheque #	
Debit Card	\$250.00
Other	\$0.00

Subtotal	\$250.00
Taxes	\$0.00
<b>Total</b>	<b>\$250.00</b>



**Code:** 31

**\$ 250.00**

**Planning Quick Code**

**Address / Notes:**  
69 East Lake Cres.  
Kassie -  
403-397-3236

## DOG "E" DAYCARE INC.

Karen Sharpe and Cassandra O'Brien

Airdrie, Alberta

Dog "E" Daycare Inc will provide day/evening and occasional overnight care for every breed of dog. Safety for humans and dogs is our number one priority, customers will not come in contact with other dogs in our facility, and all dogs will be screened with thorough background checks before they will be granted access to our dog play rooms. Dogs that have existing or new aggressive behaviours will not be accepted in our facility for the safety of other dogs and staff.

The location we have chosen for Dog "E" Daycare is located in Airdrie, at 69 east lake crescent. The building is 2251 sq ft in total, with a 1440 sq ft fenced in outside area and a 955 sq ft indoor area for the "large breed" dogs (20 lb +). The fence is chain link, we will put "blindings" on the fence for safety of humans and dogs, "dogs on premises" warning signs will also be posted. There is a dog door located at the back of the bay; this will give the large dogs in our care access to our outside play/bathroom area. There is a door and bay door for human access to the outside area. Dogs will be supervised while in the play areas both inside and outside by staff and/or a mounted video camera that will be connected to a television located at the front desk. Dog waste will be picked up and put in a bin immediately. The waste will be removed from the premises weekly and disposed of accordingly, while it is being stored on the location it will be kept in an air tight smell free garbage bin that will be located outside, for hygiene reasons waste will not be stored inside the building. Environmentally and pet friendly chemicals will be used to disinfect floors daily. Environmentally and pet friendly chemicals will not be directly placed on the floor, the chemical will be mixed appropriately and safely with water in a "mop bucket" and all floors will be mopped daily. For safety reasons we have chosen not to use a hose to "hose down" our floors as we fear slips and ice build ups.

Small breed dogs will have their own location in the building, with a separate 255 sq ft room with a play structure built specifically for smaller breed dogs (20 lb -). Smaller breed dogs will also have access to an outdoor location, they will be 100% supervised while in outside play area for their own safety. This play area will be sectioned off in the "larger dog" area however smaller breeds will not come into contact with larger breeds at any moment for safety reasons. To prevent contact there will be a chain link hallway down the wall of the bay, there will be a swing gate that will either lock access to the chain link hallway or lock access to the dog door at the back of the bay. Larger dogs will be brought into the indoor play area and their access to the "dog door" will be locked, thus allowing smaller dogs to walk safely down the chain link hall and out the door, through the large breed play area and into a separate play area designed for smaller dogs. Smaller dogs will be on a leash until they have safely made it to their designated area.

The building is equipped with three bathrooms, one is located in the bay at the back there is a shower that will be turned into a floor accessible dog shower. Dog "E"



Daycare would like to accommodate to customers who are unable to bath their large breed dogs due to personal health issues or dog health issues. Through our research we have been unable to locate a bathing area that accommodates to large breed dogs with leg, joint, or health issues that may prevent the owner from safely and effectively cleaning/bathing their dog. There is also a bathroom located in the "smaller breed" room; this will also be altered to accommodate bathing smaller breed dogs. Bathing of dogs can either be done by the owner or by Dog "E" Daycare staff, all supplies (i.e.: shampoo, dog cologne/perfume, bows, towels, brushes) will be supplied by Dog "E" Daycare. Owners have the ability to bath their own dog if they choose, this will accommodate to injured dogs that need a bath, aggressive dogs, non socialized dogs, or for those who just want to bond and pamper their pet. Dog "E" Daycare staff will also bath dogs if chosen, this will accommodate to dogs before they leave a day of daycare, elderly customers who are unable to bath their dogs, and the busy customer. Customers who choose to bath their own large breed dogs will at no time come in contact with dogs currently in our care they will access the dog shower areas via chain link walk ways, this will accommodate to our customers who may have an aggressive dog, non socialized dog, or are uncomfortable around other dogs.

Dog "E" Daycare will be the one stop pamper shop, with a full 232 sq ft retail area located at the front of the shop, specifically for pets and their day to day love and comfort. Customers and their pets will be greeted and treated with the up most respect, the customer is always right; Customers will get undivided attention when it comes to discussing their pet as they know their pet better than any staff member at Dog "E" Daycare.

Dog "E" Daycare wants to accommodate to the people in Airdrie and surrounding areas, we feel that if we opened at 6:30 am and closed at 6:00pm it would give our customers time to bring and pick up their dogs safely. Pick up for weekend overnight stays would be on Sundays between 10-12:00 am and 4-6:00pm; this allows our customers an option on what would work best for them. Dog "E" Daycare will not be staffed 24 hours a day, staff will be there between 6:30 am and 6:00 pm, If there are over night stays staff will return at 8:00 pm and allow the overnight dogs 1 hour of play time. When staff is not on the premises ALL dogs will be kennelled appropriate to their individual needs and sizes, Dogs will be kennelled for their own safety. Directors of Dog "E" Daycare will have access to video surveillance of both dog areas to ensure the best safety for all overnight stays.

Directors Kassandra O'Brien and Karen Sharpe, know that what we have to offer in a business will provide a safe, fun environment for all dog owners in the Airdrie community, regardless of temperament, size, breed, or health restrictions, there will be something at our facility for each and every dog located in the community.

  
Kassandra O'Brien

  
Karen Sharpe





LAND TITLE CERTIFICATE

S  
LINC                                      SHORT LEGAL                                      TITLE NUMBER  
0013 735 379                                      8710742;2                                      081 091 719

LEGAL DESCRIPTION  
CONDOMINIUM PLAN 8710742  
UNIT 2  
AND 3333 UNDIVIDED ONE TEN THOUSANDTH SHARES IN THE COMMON PROPERTY  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 4;29;27;10;NE

MUNICIPALITY: CITY OF AIRDRIE

REFERENCE NUMBER: 031 276 469

---

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
081 091 719	11/03/2008	TRANSFER OF LAND	\$275,000	\$275,000

---

OWNERS  
  
1324627 ALBERTA INC..  
OF #600 5920 MACLEOD TRAIL S  
CALGARY  
ALBERTA T2H 0K2

---

ENCUMBRANCES, LIENS & INTERESTS		
REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
771 147 064	20/10/1977	ZONING REGULATIONS SUBJECT TO CALGARY INTERNATIONAL AIRPORT ZONING REGULATIONS

---

( CONTINUED )

\* ADDITIONAL REGISTRATIONS MAY BE SHOWN ON THE CONDOMINIUM ADDITIONAL PLAN SHEET

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 11 DAY OF SEPTEMBER, 2012 AT 03:46 P.M.

ORDER NUMBER:22029487

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

---

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

**1324627 ALBERTA INC**  
128 Main Street North,  
Airdrie, Alberta  
(403) 660-5203

September 11, 2012

City of Airdrie

Attention: To Whom it May Concern

1324627 Alberta Inc., does hereby authorize Kassandra O'Brien and Karen Sharpe or Dog "E" Daycare Inc to proceed with their due diligence with the City of Airdrie for potential occupancy, as per our conditional lease agreement.

If you have any further questions or require additional information, please do not hesitate to contact us.

Regards,

A handwritten signature in blue ink, appearing to be 'Gordon Westwood', written over a horizontal line.

Authorized Signing Officer  
1324627 ALBERTA INC  
Gordon Westwood

c.c. Kassandra O'Brien and Karen Sharpe

**PLANNING DEPARTMENT**

**STAFF REPORT**

<b>Subject:</b>	Tenancy Permit No. 52-12
<b>Date:</b>	September 17, 2012

**Introduction:**

Karen Sharpe & Kassandra O'Brien has applied for a tenancy permit to occupy a bay located at 2, 69 East Lake Crescent NE. The proposed development will be for a kennel/ dog day care

**Application Summary:**

<i>Applicant</i>	Karen Sharpe and Kassandra O'Brien
<i>Owner</i>	1324627 Alberta Inc.
<i>Legal Description</i>	Unit 2 Condo Plan 8710742
<i>Location</i>	2, 69 East Lake Crescent NE
<i>Proposed Use</i>	Kennel
<i>MDP Designation</i>	Industrial
<i>CASP/NSP</i>	N/A
<i>LUB District</i>	IB-2 (Industrial Business Park Two District)
<i>Discretionary Use Category</i>	Section 6-3 (3) Kennel

**Planning Considerations:**

<i>Parking</i>	<p><b>Parking Requirements:</b> Kennel 1 stall per 46 m<sup>2</sup> GFA (209 m<sup>2</sup>) = 5 stalls</p> <p><b>Parking Provided:</b></p> <p>The following are the parking restraints on site:</p>					
	<table border="1"> <thead> <tr> <th>Bay</th> <th>Business</th> <th>Parking Stalls</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Bay	Business	Parking Stalls		
Bay	Business	Parking Stalls				



		Required
1	Electrical & Instrumental Services	4
2	<b>Dog E Daycare</b>	<b>5</b>
3	Auto Lift repair sales, maintenance	3

**Total Required – 12 Parking Stalls**  
**Total Provided –12 Parking Stalls**

All parking requirements are accommodated by the site.

*There are no issues with parking.*

**Discussion:**

Karen Sharpe and Kassandra O’Brien have applied for a tenancy permit for a kennel and doggie day care. They will accommodate all sizes of dogs for a “one stop pamper shop” grooming as well as overnight stays will be available. A detailed letter has been submitted with application of all services the will be available. Hours of operation will be Monday to Friday 6:30am till 6:00pm. Saturday 8:00am to 5:00pm and Sunday pick up for overnight dogs will be 10:00 am till 12:00pm and 4:00pm to 6:00pm. There will be 2 full time employees.

**Recommendation:**


**Tenancy Permit No. 52-12 is approved subject to the following conditions:**

<i>Approved Plans</i>	<ol style="list-style-type: none"> <li>1. This approval applies to the site and uses as indicated on the application form and plans provided and approved. Any changes require a new application.</li> <li>2. A minimum of five (5) parking stalls must be marked and maintained at all times in accordance with the Land Use Bylaw.</li> </ol>
<i>Notations</i>	<ul style="list-style-type: none"> <li>• All other necessary permits and inspections are the responsibility of the applicant (including, but not limited to, Building Permits, Fire Approval) and shall be submitted to the City as required.</li> <li>• This permit is approved with the understanding that there are no offsite effects.</li> <li>• It is the owner’s responsibility to determine whether the</li> </ul>

	<p>use approved by this Development Permit is, in fact, achievable or whether such use may be constrained or precluded by site conditions including constraints on use resulting from environmental conditions or legislation, or both.</p> <ul style="list-style-type: none"><li>• Compliance shall be maintained with the Municipal Government Act (Alberta) and the City of Airdrie Land Use Bylaw No. 09/2005 (copy available at City office), site and elevation plans, and this permit.</li></ul>
--	---



Jamie Dugdale  
Team Leader Planning

Reviewed by: 



Parking

69 EAST LAKE CRES

Report from Development Authority (Received Oct 10, 2024)

**CITY OF AIRDRIE**  
**"APPROVED WITH CONDITIONS"**  
 DATE: Sept 29, 2012  
Shane Campbell  
 Development Officer

Hand-drawn purple circles containing the letter 'P', indicating parking spaces. One circle contains two 'P's stacked vertically.

Hand-drawn purple circles containing the letter 'P', indicating parking spaces. One circle contains two 'P's stacked vertically.

Automotive  
 Lift Repair

EAST LAKE CRESCENT NE



SCHEDULE 'A.2'

FENCED REAR YARD - 1440 sq'  
SHOP MEZZ - 160 sq'

TOTAL BAY  
APPROX 3251 sq'

SHOP  
APPROX 675 sq'

TENANTS INITIAL  
~~KS~~ KS

LANDLORD INITIAL  
W \_\_\_\_\_



STORAGE w/c

OPEN AREA  
APPROX 280 sq' + w/c

HALL  
APPROX 224 sq'

OPEN AREA  
APPROX 340 sq'

KITCHEN AREA

w/c

w/c

BOARD ROOM AREA  
APPROX 255 sq' + w/c

**CITY OF AIRDRIE**  
**"APPROVED WITH CONDITIONS"**  
DATE: Sept 20, 2020  
Shannon Campbell  
Development Officer

RECEPTION AREA  
APPROX 176 sq' + HALL

OFFICE  
APPROX 156 sq'





September 17, 2012

Karen Sharpe and Cassandra O'Brien  
Dog "E" Daycare Inc



Dear Ms. Sharpe & Ms. O'Brien

**Re: Tenancy Permit Application No. 52-12 (TP)**  
U2, Plan 8710742  
2, 69 East Lake Crescent NE - Airdrie, Alberta  
Dog kennel and Daycare

Your Tenancy Permit application for the above noted site was reviewed on September 17, 2012. At that time your application was approved and issued subject to the following conditions:

1. This approval applies to the site and uses as indicated on the application form and plans provided and approved. Any changes require a new application.
2. Five (5) parking stalls must be provided for this tenancy permit. These parking stalls must be marked (line painting) and maintained in accordance with the Land Use Bylaw.

Notifications:

- All other necessary permits and inspections are the responsibility of the applicant (including, but not limited to, Building Permits, Fire Approval) and shall be submitted to the City as required.
- This permit is approved with the understanding that there are no offsite effects.
- It is the owner's responsibility to determine whether the use approved by this Development Permit is, in fact, achievable or whether such use may be constrained or precluded by site conditions including constraints on use resulting from environmental conditions or legislation, or both.

Continued/.....

403.948.8800

1.888.AIRDRIE

www.airdrie.ca

Genesis Place  
800 East Lake Blvd NE  
Airdrie, AB T4A 2K9  
Fax: 403.948.0604

City Hall  
400 Main Street SE  
Airdrie, AB T4B 3C3  
Fax: 403.948.6567

Parks  
15 East Lake Hill NE  
Airdrie, AB T4A 2K3  
Fax: 403.948.3987

Fire Hall/  
Municipal Enforcement  
805 Main Street SW  
Airdrie, AB T4B 3G1  
Fax: 403.948.0619

Public Works  
23 East Lake Hill NE  
Airdrie, AB T2A 2K3  
Fax: 403.948.8403

Page 2

Please note that this approval pertains to site development only. Permits required under the Alberta Building Code and Fire Code will be required. Please contact the Building Department at 403-948-8832 and the Fire Department at 403-948-8880.

Should you have any questions regarding this matter, please do not hesitate to contact the undersigned at 403-948-8800.

Yours truly



Jamie Dugdale  
Team Leader planning

Copy to:   Emergency Services  
              Building Services

Encs:       Approved Plans

SCHEDULE 'A2'

FENCED REAR YARD - 1440 sq'  
SHOP MEZZ - 160 sq'

TOTAL BAY  
APPROX 3251 sq'

SHOP  
APPROX 675 sq'

TENANTS INITIAL  
~~KS~~ KS

LANDLORD INITIAL  
W



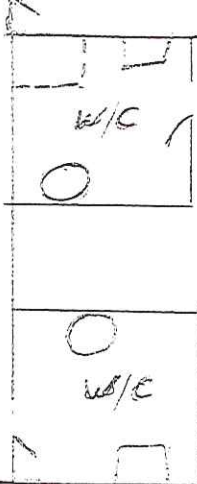
STORAGE w/c

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APPROX 224 sq'

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APPROX 340 sq'

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BOARD ROOM AREA  
APPROX 255 sq' + w/c

**CITY OF AIRDRIE**  
**"APPROVED WITH CONDITIONS"**  
DATE: Sept 20, 2020  
Shannon Campbell  
Development Officer

RECEPTION AREA  
APPROX 176 sq' + Hall

OFFICE  
APPROX 156 sq'



Parking

69 EAST LAKE CRES

Report from Development Authority (Received Oct 10, 2024)

**CITY OF AIRDRIE**  
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 DATE: Sept 29, 2012  
Shane Campbell  
 Development Officer

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Hand-drawn purple circles containing the letter 'P', indicating parking spaces. One circle contains two 'P's stacked vertically.

Automotive  
 Lift Repair

EAST LAKE CRESCENT NE



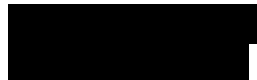


June 6, 2024

**VIA REGISTERED MAIL**

Dog “E” Daycare  
2, 69 East Lake Crescent NE  
Airdrie, Alberta T4A 4H6

1818622 Alberta Ltd./Trina Demeria



**Attention: Trina Demeria**

**RE: Tenancy Permit 52-12**

---

This is written notice that Tenancy Permit 52-12 (“Tenancy Permit”) is hereby cancelled effective immediately.

Section 2.8.7(5) of the Airdrie Land Use Bylaw provides as follows:

Where there is a violation for failure to comply with the Development Permit conditions of an approved Land Use, the Development Authority may suspend or cancel the Development Permit authorizing that use.

Further to the City of Airdrie’s own investigation and the written reasons of Justice Bourque filed June 3, 2024 [enclosed], the property located at #2, 69 East Lake Crescent, Airdrie, Alberta legally described as Condominium Plan 8710742; Unit 2 (the “Property”) has been used to operate EJ Rescue Foundation, an animal rescue, in violation of the terms of the Tenancy Permit.

Pursuant to Section 2.4.7(6) of the current Airdrie Land Use Bylaw, upon receipt of written notice of cancellation, the applicant must cease all development and activities to which the Tenancy Permit [enclosed] pertains. For clarity, the Property is no longer permitted to be used to operate a Kennel. For clarity, the Property may not be used to operate Dog E Daycare, any dog daycare, EJ Rescue Foundation or any animal rescue as none of these operations fall within the permitted uses of land in the IB-2 District upon which the Property is located. Any change in use requires submission and approval of a new Development Permit.

---

Gail R. Gibeau RPP, MCIP  
Team Leader, Current Planning  
City of Airdrie



- 2 -

Phone: 403-948-8832

Email: [planning@airdrie.ca](mailto:planning@airdrie.ca)



## Court of King's Bench of Alberta

**Docket:** 2301 16925

**Registry:** Calgary

Between:

**City of Airdrie and Brad Tomlinson**

Applicants

- and -

**Trina Ann Demeria, 1818622 Alberta Ltd. operating as Dog "E" Daycare and EJ Rescue Foundation**

Respondents

---

**Reasons for Decision  
of the  
Honourable Justice M.H. Bourque**

---

### **Background**

[1] The City of Airdrie (“**Airdrie**”) and Brad Tomlinson (“**Tomlinson**”), a Community Peace Officer for the City of Airdrie, apply for an injunction under section 554 of the *Municipal Government Act*, RSA 2000 c M-26 (“**MGA**”) seeking to enjoin the Respondents from operating a dog rescue at #2 – 69 East Lake Crescent (the “**Property**”). Although Tomlinson is named as an applicant, as discussed later in these reasons, only a municipality may apply for an injunction under section 554. As such, I have treated this application as Airdrie’s application only.

[2] The application arises as a result of events occurring on December 5, 2023 when Tomlinson conducted a business licence inspection of Dog “E” Daycare at the Property. On that date, Tomlinson’s observations within the facility on the Property included a pronounced odour of ammonia, urine and feces causing his eyes to water, excessive dog feces and urine in kennels on floor hallways and in the kitchen, and also on the dogs, empty water dishes, including dishes

covered in urine and feces, hallways and walking areas obstructed by debris, garbage, fecal matter, dogs covered in feces on legs and face, matted coats, vomit in cages, unresponsive behaviours. The Alberta Society for the Prevention of Cruelty to Animals (the “ASPCA”), two locksmiths, the RCMP, and a veterinarian then became involved, resulting in the immediate seizure of fifteen dogs for medical attention and distress. Twenty-nine other dogs were allowed to remain at that time.

[3] On December 11, 2023, Tomlinson sought and obtained a warrant pursuant to the *Animal Protection Act*, RSA c A-41 (“APA”) to enter the Property. That warrant was executed on December 12, 2023, and the remaining twenty-nine dogs were seized and transferred to an animal protection agency in Edmonton. Charges were laid under the APA against the Respondent Demeria for causing or permitting an animal to be or continue to be in distress. The Respondent was also charged on that day for operating Dog “E” Daycare without a valid business licence under section 4.01 of the Airdrie Business Bylaw.

[4] With the consent of the parties, Justice Jeffrey granted an injunction pursuant to which the respondents Demeria, 1818622 Alberta Ltd. (“**1818622**”) and EJ Rescue Foundation (the “**Rescue Foundation**”) were enjoined to immediately cease operating the business of Dog “E” Daycare until such time as they obtain a valid and subsisting business license from Airdrie allowing them to operate that business. The remainder of Airdrie’s application was adjourned to January 10, 2024, at which time Justice Angotti, with the consent of the parties, set down a procedural order to complete the remaining steps. Subsequently, Associate Chief Justice Nixon directed me to hear the application, which was set down for hearing as a one-hour special application on February 15, 2024.

[5] Although Airdrie’s application for an injunction was initially grounded in the fact that the Respondent Dog “E” Daycare was an unlicensed dog daycare center operating in contravention with the Airdrie Business Bylaw, the unlicensed nature of the dog daycare business appears to have been remediated by the issuance of a 2024 business license to the Respondent Dog “E” Daycare by Airdrie. The Respondent Demeria deposed in her affidavit sworn on January 10, 2024 that she obtained a 2024 business license on January 4, 2024, which she attached as Exhibit A thereto. Airdrie disputes this evidence on the basis that the amount paid on January 4, 2024 was for the 2023 business licence.

[6] The resolution of this issue is not necessary as Airdrie focused its submissions that an injunction should be granted on the basis that the operation of a dog rescue by one or more of the Respondents on the Property violates the tenancy permit issued (the “**Tenancy Permit**”) by Airdrie in September 2012 to the previous owners of the Dog “E” Daycare business (the “**Former Business Owners**”) under the Airdrie Land Use Bylaw No. B-24/2008 in existence at that time (the “**Old LUB**”).

## The Respondents

[7] 1818622 is an Alberta numbered corporation. The Respondent Trina Demeria (“**Demeria**”) is 1818622’s sole shareholder and sole director, and 1818622’s registered office address is the same as Demeria’s. As of December 14, 2023, the corporate search indicates that



1818622's legal entity status is "struck" since September 2, 2021, not having filed an annual return since 2018.<sup>1</sup>

[8] Notwithstanding its struck status, 1818622 appears to still be the declarant of the trade name "Dog "E" Daycare" and the related tradename search indicates that the associated type of business is "Dog daycare and boarding and related products". The tradename was registered on May 5, 2014.<sup>2</sup>

[9] 1818622 owns the Property.<sup>3</sup> Demeria states in her affidavit that she bought the "building and land" at the address in 2014, but the land titles record shows a transfer of land to 1818622 registered on December 18, 2015.

[10] EJ Rescue Foundation ("EJ Rescue") is a non-profit private company limited by shares. It was incorporated on August 20, 2020. Its directors are Demeria and Jennifer Brost ("Brost").<sup>4</sup> Like 1818622, it has not filed annual returns for several years. The corporate search indicates that EJ Rescue's corporate status is "started" which the Court understands means that EJ Rescue has not filed annual returns and will be struck if no remedial steps are taken. Its registered office is located at the offices of Gowlings LLP in Calgary.

[11] Although EJ Rescue was incorporated in 2020, Demeria states that she has been operating EJ Rescue at the Property since 2014.

### The Airdrie Land Use Bylaw

[12] A municipality's authority to adopt land use bylaws is found in Part 17 of the MGA, the purpose of which is described as follows:

617 The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

- (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and
- (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

[13] Division 5 of Part 17 requires that "every municipality must pass a land use bylaw".<sup>5</sup> Airdrie adopted the Old LUB on July 21, 2008. Although Division 5 of Part 17 has since that time undergone some legislative changes, including reordering of provisions as well as other refinements, the essential elements of a land use bylaw remain the same. In particular, "a land

---

<sup>1</sup> Affidavit of Brad Tomlinson sworn December 18, 2023 ("Tomlinson Affidavit #1"), para 5 and Exhibit A; Affidavit of Trina Demeria sworn January 10, 2024 ("Demeria Affidavit") para 1. The Respondent Demeria states that she is a director of Dog "E" Daycare, which I interpret as meaning a director of 1818622, the declarant of that tradename.

<sup>2</sup> Tomlinson Affidavit #1, para 6 and Exhibit B.

<sup>3</sup> Tomlinson Affidavit #1, para 7 and Exhibit C.

<sup>4</sup> Tomlinson Affidavit #1, para 8 and Exhibit D; Demeria Affidavit, para 1.

<sup>5</sup> MGA, s. 639 at the time the Old LUB was adopted. This statutory requirement was renumbered as MGA s. 640(1) by the *Red Tape Reduction Implementation Act, 2020 (No. 2)*, SA 2020, c 39, ss. 10 ("Red Tape Act").

use bylaw may prohibit or regulate and control the use and development of land and buildings in a municipality”<sup>6</sup> and a land use bylaw:

- (a) must divide the municipality into districts of the number and area the council considers appropriate;
- (b) must, unless the district is designated as a direct control district pursuant to section 641, prescribe with respect to each district,
  - (i) the one or more uses of land or buildings that are permitted in the district, with or without conditions, or
  - (ii) the one or more uses of land or buildings that may be permitted in the district at the discretion of the development authority, with or without conditions,or both;
- (c) must establish a method of making decisions on applications for development permits and issuing development permits for any development, including provision for
  - (i) the types of development permit that may be issued,
  - (ii) applying for a development permit,
  - (iii) processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit,
  - (iv) the conditions that are to be attached, or that the development authority may attach, to a development permit, either generally or with respect to a specific type of permit,
  - (v) how long any type of development permit remains in effect,
  - (vi) the discretion that the development authority may exercise with respect to development permits, and
  - (vii) any other matters necessary to regulate and control the issue of development permits that to the council appear necessary;
- (d) must provide for how and to whom notice of the issuance of a development permit is to be given;
- (e) must establish the number of dwelling units permitted on a parcel of land.<sup>7</sup>

[14] It is not disputed that the Old LUB complies with the requirements of the MGA. To put these reasons in their proper context, I have summarized those provisions of the Old LUB that are relevant in the instant circumstances.

---

<sup>6</sup> MGA, s. 640(1) at the time the Old LUB was adopted, renumbered as 640(1.1) per *Red Tape Act*.

<sup>7</sup> MGA, s. 640(2).

[15] Section 1-3(a) of the Old LUB defines a tenancy permit as “a type of Development Permit required to occupy a building, or portion of a building, for which a Development Permit has been issued for the building shell and site development and all conditions of the Development Permit approval have been previously fulfilled.” In this case, it is not disputed that Airdrie issued the Tenancy Permit in respect of the Property to the Former Business Owners. However, the parties do not agree for what use or uses the Tenancy Permit was issued.

### **What is the Scope of the Tenancy Permit?**

[16] On September 14, 2012, the Former Business Owners applied for a tenancy permit in respect of the Property by filling out a pre-printed application form and providing a 2-page narrative summarizing their intended business and describing the intended use of the premises. In particular, the Former Business Owners indicated that the business would “provide day/evening and occasional overnight care for every breed of dog,” would accommodate dog bathing either by staff or owners, and the business would also feature “one stop pamper shop” to presumably allow for some ancillary retail sales. On the application form, the Former Business Owners indicated that the proposed use of the building was for “dog daycare / kennel.”

[17] In its letter<sup>8</sup> dated September 17, 2012 addressed to the Former Business Owners, Airdrie advised the Former Business Owners that:

Your Tenancy Permit application for the [Property] was reviewed on September 17, 2012. At that time your application was approved and issued subject to the following conditions:

1. This approval applies to the site and uses as indicated on the application form and plans provided and approved. Any changes require a new application.
2. Five (5) parking stalls must be provided for this tenancy permit. These parking stalls must be marked (line painting) and maintained in accordance with the Land Use Bylaw.

[18] In a Planning Department Staff Report of the same date, Airdrie planning staff recommended the approval of the Tenancy Permit, noting that the proposed use was “kennel” and that the discretionary use category was “Section 6-3(3) Kennel”. It also identified the applicable LUB District as IB-2 (Industrial Business Park Two District).

[19] In her affidavit, Demeria deposes that at the time of acquiring the Property, she “was told and believed the building and lands had a Development Permit as both a Kennel and Dog Day Care”. She argues that the reference to “Dog Day Care” use should be interpreted as a reference to the “Pet Care Service” use, which is provided for under the Old LUB.

[20] I have reviewed the evidence filed in this application and I am satisfied that the only use that Airdrie ever approved in the Tenancy Permit was “Kennel.” It is not necessary for me to determine whether Airdrie also issued the Tenancy Permit for the Pet Care Service use because the operation of a dog rescue is not, in any event, a use permitted under that definition. I will explain my reasoning for that conclusion in the following paragraphs. Before doing so, I confirm

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<sup>8</sup> Supplemental Affidavit of Brad Tomlinson sworn January 8, 2024 (“Tomlinson Supplemental Affidavit”) Exhibit A.

that I have arrived at this conclusion without regard to any impermissible hearsay evidence put forth by Airdrie development officers as to their interpretation of the Tenancy Permit or other development matters. That said, while I have ignored and assigned no weight to the opinions proffered by Airdrie officials, I am satisfied that the attachments to those letters described above constitute business records of Airdrie and can be admitted under the common law business record exception. The Respondents did not seem to take issue with the admission of these documents, and in several instances, referred to them in their submissions.

[21] Section 1-3(b) of the Old LUB provides for uses that are relevant in interpreting the Tenancy Permit, including the following:

***Kennel*** means the use of a building or portion of a building, the primary purpose of which is the boarding of small animals for periods greater than 24 hours for a fee and does not include ***Pet Care, Veterinary Clinic*** or ***Veterinary Hospital***, and that may provide for the incidental sale of products relating to the services provided by the use and may include outside enclosures, pens, runs or exercise areas.

***Pet Care Service***, means the use of a building or portion of a building to wash, groom, or board small animals during the day and that may have the incidental sale of products relating to the services provided by the *use*, must not board animals overnight; does not include ***Kennel***, or ***Veterinary Clinic*** or ***Veterinary Hospital***.

***Veterinary Clinic*** means the use of a building for a facility for the medical care and treatment of animals and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs or enclosures;

***Veterinary Hospital*** means the use of a building for a facility for the medical and emergency medical care and treatment of animals and includes provision for their overnight accommodation and confinement in outdoor pens, runs or enclosures and typically has extended hours of operation.

[22] Section 2-8 of the Old LUB establishes land use districts, including “Industrial Business Park Two District (IB-2)” (“IB-2”), and Airdrie is divided into such land use districts delineated on City of Airdrie Land Use Map. There is no dispute that the Property is in the IB-2 district.

[23] Part 6 of the Old LUB provides for general rules common to all industrial districts as well as specific rules respecting uses in each industrial district type. Section 6-3 deals with Industrial Business Park Two District (IB-2) and allows for discretionary uses, including “Kennel” and “Veterinary Hospital”. IB-2 districts do not allow for “Pet Care Services” or “Veterinary Clinic”. As such, the only possible uses under the Tenancy Permit for the Property that could have been approved are “Kennel” or “Veterinary Hospital.” Moreover, section 3-2 of the Old LUB provides for parking requirements depending on use, including one stall per 46 m<sup>2</sup> GFA for a kennel, one stall per 32 m<sup>2</sup> of GFA for pet care service, and one stall per 45 m<sup>2</sup> GFA for either a Veterinary Clinic or Veterinary Hospital. In this case, the Planning Department Staff Report discusses planning considerations, including that Kennel requires one stall per 46 m<sup>2</sup>, which matches exactly the requirement of the Old LUB. For all these reasons, I am satisfied that, in issuing the Tenancy Permit, Airdrie only issued it for the Kennel use, which was sufficiently broad to allow all the services proposed to be provided by the Former Business Owners. In this case, the operation of EJ

Dog Rescue does not meet the primary purpose of the use requirements of Kennel because it does not charge a fee for its services.

[24] As for the Respondents' argument that Airdrie also approved the Property for use as Pet Care Services, it is not necessary for me to determine this issue as the operation of a dog rescue would be incompatible with that use as defined in the Old LUB. Although the Court was neither provided nor was able to find definitive judicial consideration of the meaning of a "dog rescue" or "animal rescue", it is generally understood that the operation of a rescue involves taking in unhomeed animals for treatment and placement, whether in other shelters or with adopting or fostering families. It involves the boarding of animals for various periods of time, often including lengthy overnight boarding. The Court's understanding is consistent with the description Demeria offers in her affidavit. While it might be possible – though unlikely – to operate a rescue without boarding animals overnight, the Respondent's evidence indicates that EJ Rescue did in fact board dogs for lengthy periods of time. For instance, at paragraph 15, she deposes to 28 small breed poodle mixes who "over the next few days multiple rescue [*sic*] helped in taking these dogs in from the facility in Airdrie" and, in reference to November 6, 2023, the date on which EJ Rescue had taken in more small dogs, including "the matted wheaten that was seized on December 6". While I appreciate that the operation of a rescue may involve washing and grooming, it is a use that would be incidental or subsidiary to any such operation. More importantly, a rescue invariably involves the overnight boarding of animals, often for lengthy periods of time, a use which is specifically prohibited in the definition of Pet Care Services. To the extent that in granting the Tenancy Permit Airdrie allowed for Pet Care Services, the operation of EJ Rescue is a use that is wholly inconsistent with and prohibited by that defined use.

### Relief Sought by Airdrie

[25] Section 554 of the MGA provides that this Court *may* grant an injunction or other order when there has been a contravention of a bylaw of a continuing nature. It reads:

#### 554(1) When

- (a) a structure is being constructed in contravention of an enactment that a municipality is authorized to enforce or a bylaw,
  - (b) a contravention of this Act, another enactment that a municipality is authorized to enforce or a bylaw is of a continuing nature, or
  - (c) any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by a bylaw,
- in addition to any other remedy and penalty imposed by this or any other enactment or a bylaw, the municipality may apply to the Court of King's Bench for an injunction or other order.

(2) The Court may grant or refuse the injunction or other order or may make any other order that in its opinion the justice of the case requires.

[26] In *Kneehill County v Risler*, 2024 ABKB 89, Justice Marion described the analytical framework for statutory injunctions under section 554 of the *MGA* as follows:

[74] Section 554 expressly authorizes the court to grant an injunction for specific statutory purposes: *Radomsky* at para 16; *Calgary (City) v Bullock (Occupy Calgary)*, 2011 ABQB 764 at para 28 [*Occupy Calgary*]; *ENMAX Energy Corporation v Balancing Pool*, 2017 ABQB 718 at para 27.

[75] Specific statutory injunctions are not the same as equitable injunctions. Factors that might be considered in an equitable injunction, as set out in the well-known tripartite test (from *Manitoba (AG) v Metropolitan Stores Ltd*, 1987 CanLII 79 (SCC) and *RJR-MacDonald Inc v Canada (Attorney General)*, 1994 CanLII 117 (SCC), or as modified to mandatory injunctions in *R v Canadian Broadcasting Corp*, 2018 SCC 5 at para 15) do not apply: *Radomsky* at para 16; *Occupy Calgary* at para 28; *Maple Ridge (District of) v Thornhill Aggregates Ltd*, 1998 CanLII 6446 (BCCA) at paras 7-9; *Automotive Parts Manufacturers' Association v Boak*, 2022 ONSC 1001 at paras 35-36. However, where *Charter* arguments are raised or the validity of the underlying legislation or bylaw is being challenged, the tripartite test (or considerations thereunder) may still apply: *Nanaimo (City) v Courtoireille*, 2018 BCSC 1629 at para 110; *Maple Ridge (City) v Scott*, 2019 BCSC 157; *Occupy Calgary* at para 30; *Radomsky* at para 18.

[...]

[77] Under section 554(1)(b) of the *MGA* the applicant must establish a continuing contravention of the *MGA*, another enactment that the municipality is authorized to enforce, or a bylaw, which contravention is unlikely to be thwarted without the intervention of the court: *MGA* section 554(1)(b); *Newell (County No 4)* at para 10; *Radomsky* at paras 17-18; *Occupy Calgary* at para 29; *Pawlowski v Calgary (City)*, 2008 ABQB 267; *Parkland (County) v Barakat Industries Ltd*, 2004 ABQB 822 at para 27; *Alberta (Attorney General) v Plantation Indoor Plants Ltd*, 1982 ABCA 1 (CanLII), 34 AR 348 at para 13, rev'd on other grounds 1985 CanLII 71 (SCC).

[78] If that is established, the injunction should only be refused in exceptional circumstances, although the court retains a residual discretion to refuse it or grant any other order that in the court's opinion the justice of the case requires: *MGA* section 554(2); *Occupy Calgary* at para 30; *Radomsky* at para 18; *Lac Ste Anne (County) v North West Fire Rescue-Onoway Ltd*, 2018 ABQB 93 at para 82; *Vancouver (City) v Maurice*, 2002 BCSC 1421 aff'd 2005 BCCA 37 at para 34; *Vancouver (City) v O'Flynn-Magee*, 2011 BCSC 1647 at para 30.

[79] Based on the foregoing, the analytical framework for an injunction under section 554(1)(b) of the *MGA* involves at least these questions:

- (a) is there a continuing contravention of the *MGA*, another statute the municipality is authorized to enforce, or a bylaw?
- (b) if so, is the continuing contravention unlikely to end without court intervention?
- (c) if so, are there exceptional circumstances warranting refusal of the injunction?



(d) does the justice of the case warrant the granting of the injunction or any other order?

[27] I adopt Justice Marion's articulation of the analytical framework for the granting of injunctions under section 554 of the MGA.

**(a) is there a continuing contravention of the MGA, another statute the municipality is authorized to enforce, or a bylaw?**

[28] In this case, it clear that the operation of a dog rescue is a contravention of the Old LUB and the Tenancy Permit issued thereunder. The Respondent's own affidavit reveals that it has been operating since 2014 in contravention to the permitted Kennel use. The answer to this question is clearly yes.

**(b) if so, is the continuing contravention unlikely to end without court intervention?**

[29] I am not satisfied that Airdrie has presented sufficient evidence to persuade the Court that the continuing contravention of the Tenancy Permit is unlikely to end without court intervention. Airdrie relies on several affidavits of Tomlinson in this application which speak to complaints that have been made to Airdrie about the Respondents' operations at the Property, including but not limited to the rescue operation. However, none of the complaints appear to relate to the contravention of the Old LUB or the Tenancy Permit.

[30] In an update affidavit made January 16, 2024, Tomlinson states:

I firmly believe that EJ Rescue will continue operating if not directed to stop by the Court. Of the 44 dogs seized from EJ Rescue, Airdrie has received notification from Allisa Jones that she is the purported owner of 19 of the 44 dogs seized from EJ Rescue, not the Respondents. Allisa Jones has publicly posted on several occasions to EJ Rescue's Facebook page and I believe that she is her business associate and this may be a way that the Respondents are trying to get the dogs back and to continue operating EJ Rescue in continued violation of Airdrie's Land Use Bylaw.

[31] This is nothing more than self-serving speculation. More is needed to demonstrate on a balance of probabilities that EJ Rescue will continue operating a dog rescue in contravention of the tenancy permit.

**(c) if so, are there exceptional circumstances warranting refusal of the injunction?**

[32] Given my conclusion on the second question, I need not answer this question.

**(d) does the justice of the case warrant the granting of the injunction or any other order?**

[33] In my view, the granting of an injunction in this case is not warranted. However, I am prepared to issue a declaration that the Respondents have been operating a dog rescue at the Property in contravention of the Tenancy Permit and the Old LUB.

**Disposition**

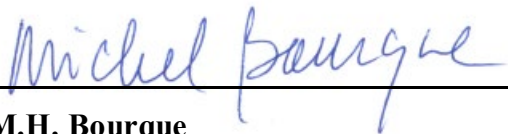
[34] For all these reasons, although the Application is dismissed, the Court declares that the operation of EJ Rescue at the Property is in contravention with the Tenancy Permit and the Old LUB.

[35] Each party shall bear their own costs.

Heard on February 15, 2024.

Additional written representations submitted on March 6, 2024, and on March 13, 2024.

**Dated** at Calgary, Alberta on June 3, 2024.

  
\_\_\_\_\_  
**M.H. Bourque**  
**J.C.K.B.A.**

**Appearances:**

J. Shepherd  
for the Applicants

B. Miller  
for the Respondents



CERTIFIED *E. Wheaton*  
by the Court Clerk as a true copy of  
the document digitally filed on Aug  
6, 2024 COURT FILE NUMBER

2301-16925

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

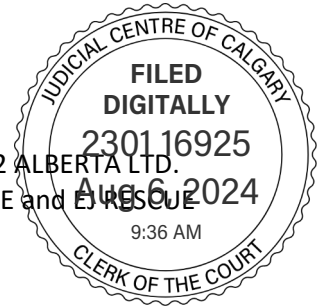
CALGARY

APPLICANT

CITY OF AIRDRIE

RESPONDENTS

TRINA ANN DEMERIA, 1818622 ALBERTA LTD.  
Operating as DOG "E" DAYCARE and EJ RESCUE  
FOUNDATION



**DOCUMENT**

**ORDER**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PERSON FILING THIS DOCUMENT

Julie Shepherd/Login Maddin  
Field LLP  
Barristers and Solicitors  
400 - 444 7<sup>th</sup> Avenue SW  
Calgary AB T2P 0X8  
Ph: (403) 260-8500 | Fax: (403) 264-7084  
File No. 52649-4

**DATE ON WHICH ORDER WAS PRONOUNCED:** 2024-06-03

**NAME OF JUSTICE WHO MADE THIS ORDER:** M.H. BOURQUE

**LOCATION WHERE ORDER WAS PRONOUNCED:** CALGARY, ALBERTA

**UPON** the City of Airdrie's ("Airdrie") application for an injunction to enjoin the Respondents from operating a dog rescue (the "EJ Rescue Injunction Application") at #2-69 East Lake Crescent in Airdrie, Alberta (the "Property");

**UPON** the hearing of the EJ Rescue Injunction Application before on February 15, 2024

**UPON** finding that the only use that Airdrie ever approved in Tenancy Permit 52-12 (the "Tenancy Permit") issued pursuant to Airdrie's Land Use Bylaw No. B-24/2008 (the "Old LUB") was "Kennel";

**UPON** finding that the operation of EJ Rescue does not meet the primary purpose of the use requirements of Kennel because it does not charge a fee for its services;

**UPON** finding that the operation of a dog rescue on the Property is a contravention of the Old LUB and the Tenancy Permit;

**UPON** noting that there is insufficient evidence that the continuing contravention of the Tenancy Permit is unlikely to end without intervention by this Court;


**UPON** the Court determining that it is instead just and appropriate to issue a declaration;

**IT IS HEREBY DECLARED THAT:**

1. The Respondents have been operating a dog rescue at the Property in contravention of the Tenancy Permit.

**AND IT IS FURTHER ORDERED THAT:**

2. The EJ Rescue Injunction Application is dismissed.
3. Each party shall bear their own costs of the EJ Rescue Injunction Application.

  
\_\_\_\_\_  
M.H. Bourque  
J.C.K.B.A

Form 49  
[Rule 13.19]

C121351  
Clerk's Stamp

COURT FILE NUMBER 2301 16925

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANTS CITY OF AIRDRIE and BRAD TOMLINSON

RESPONDENTS TRINA ANN DEMERIA, 1818622 ALBERTA LTD. operating as DOG "E" DAYCARE and EJ RESCUE FOUNDATION

DOCUMENT **AFFIDAVIT**



JC  
Jan. 19, 2024

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Field LLP  
400 – 444, 7 Avenue SW  
Calgary, AB T2P 0X8  
T: 587-747-3165  
F: 403-264-7084  
File No. 52649-2  
Attention: Julie Shepherd

**AFFIDAVIT OF BRAD TOMLINSON**  
**Sworn on December 18, 2023**

I, Brad Tomlinson, of the City of Airdrie, in the Province of Alberta, SWEAR AND SAY THAT:

1. I have personal knowledge of the matters hereinafter deposed to, except were stated to be based upon information and belief.
2. I am a named applicant and Community Peace Officer ("CPO") REG#15278, for the City of Airdrie appointed by the Solicitor General of Alberta, in the Province of Alberta. Under my appointment, I have the authority to enforce the City's Bylaws and the Alberta *Animal Protection Act*, RSA 2000, c A-41 (the "APA").
3. I have been a member of Airdrie Municipal Enforcement since July 2014. I am the department's lead animal investigator, specializing in animal aggression and welfare cases. In my nine (9) years of experience, I have investigated and laid hundreds of charges under Airdrie Bylaws including but not limited to Bylaw No. B-52/2005 (the "Airdrie Business Bylaw") and Bylaw B33/2016 (the "Airdrie Animal Control Bylaw").

**The Other Parties**

4. The City of Airdrie ("Airdrie") is a municipality as defined and governed by the Alberta *Municipal Government Act*, RSA 2000, c M-26 (the "MGA").

5. 1818622 ALBERTA LTD. (“181”) is an Alberta corporation that was struck from the Corporate Registry on September 2, 2021. The sole director and shareholder of 181 is Trina Demeria (“Demeria”). Attached hereto and marked as **Exhibit “A”** is a Corporate Search Report for 181.
6. Dog “E” Daycare is the registered tradename of 181 and operates a dog daycare centre in Airdrie. Its status is listed as active on the Corporate Registry. Attached hereto and marked as **Exhibit “B”** is a Trade Name Search for Dog “E” Daycare.
7. Demeria operates Dog E Daycare out of #2 - 69 East Lake Crescent, in Airdrie, Alberta (the “**Property**”). The Property is owned by 181. Attached hereto and marked as **Exhibit “C”** is a Property Land Title Search Report.
8. Demeria also operates EJ Rescue Foundation (“**EJ Rescue**”), a purported dog rescue, out of the same Property as Dog “E” Daycare. EJ Rescue was registered as an Alberta Non-Profit in 2020. EJ Rescue has not filed annual returns for 2021, 2022 or 2023. Demeria is one or two directors of EJ Rescue. Attached hereto and marked as **Exhibit “D”** is a EJ Rescue Corporate Search Report.

#### **Dog E Daycare and EJ Rescue History**

9. Dog E Daycare is an unlicensed business operating in Airdrie in contravention of the Airdrie Business Bylaw. EJ Rescue is operated by the same person, Demeria, out of the same Property as Dog E Daycare. Collectively, Dog E Daycare and EJ Rescue have been the subject of 21 complaints to Airdrie Municipal Enforcement.
10. The nature of these complaints has included animal welfare concerns, odour, improper disposal of animal waste, dogs at large, noise, and licencing issues.
11. There is a change.org petition to “Shut Down the Inhumane Animal Rescue Facility in Airdrie, AB – EJ Rescue/Dog E Daycare” which has garnered over 2,446 signatures.

#### **Property Inspection**

12. On December 5, 2023, I attended the Property to conduct a business licence inspection at Dog E Daycare under the Airdrie Business Bylaw. Dog E Daycare has not renewed a business licence to operate in Airdrie for 2023.
13. Dog E Daycare is required to have a business licence per Sections 2.01 and 4.01 of the Airdrie Animal Bylaw:

2.01 This Bylaw shall apply to any trade, business or occupation that: (a) is carried on with the intention of making a profit unless said trade, business or occupation provides written proof that they are provided with an exemption under provincial or federal legislation; and (b) such trade, business or occupation is carried on for a period in excess of seventy-two (72) hours or three (3) days cumulatively throughout the course of the licence period.

Necessity for Licence 4.01 No person shall within, or partly within and partly without, the City (a) carry on or operate any trade, business, or occupation; or (b) carry on any undertaking or do any act or use for which a licence is required under the provisions of this Bylaw unless he holds a valid and subsisting licence to do so issued pursuant to the provisions of this Bylaw [emphasis added].

14. Dog E Daycare has been charged and convicted three times under Section 4.01 of the Airdrie Business Bylaw for failing to have a business licence. Dog E Daycare was issued fines totalling \$2200, all of which remains in arrears. It also has another \$300 in unpaid fines under the Animal Control Bylaw for dogs running at large.



15. I conducted a business licence inspection of Dog E Daycare on December 5, 2023, pursuant to Sections 3.02 and 3.03 of the Airdrie Business Bylaw:

A Bylaw Enforcement Officer or a Peace Officer shall have the same powers and duties as the Licence Inspector.

The powers and duties of the Licence Inspector are:

...

(g) as often as necessary, to inspect all premises licenced or required to be licenced pursuant to the provisions of this Bylaw in order to ascertain that such premises comply with the said provisions;[emphasis added].

16. During this attendance, I observed a large white sign with the words “Dog “E” Daycare” above the front door with an “open” sign in the window. Upon entry through the open front door, I announced myself, my position and why I was attending to Demeria. I confirmed with her that she was operating the Dog E Daycare. I then asked for documentation to confirm what dogs on the Property belonged to Dog E Daycare. She was unable to provide any documentation showing which dogs were in the Dog E Daycare. We then proceeded to go look at the dogs.

17. While walking through the facility, I observed the following:

- a. Pronounced odour of ammonia, urine, and feces. The odour was so severe my eyes began to water.
- b. Excessive dog feces and urine in kennels, on floor hallways and in the kitchen, and also on the dogs.
- c. All water dishes were empty, only one animal had food (a few pieces of kibble, not in a dish but in the back corner of its cage), some dishes covered in urine and feces.
- d. Hallways and most open walking areas were obstructed by debris, garbage, fecal matter, miscellaneous items like towels and bags of dog food, and some areas were impassible preventing access to animals.
- e. Dogs covered in feces on legs and face, matted coats, vomit in cages, unresponsive behaviour, lack of ventilation from kennels covered by garbage bags full of feces stacked in front of the kennel, around and on top.

18. Section 2.1 of the APA outlines basic animal care duties:

A person who owns or is in charge of an animal

- (a) must ensure that the animal has adequate food and water,
- (b) must provide the animal with adequate care when the animal is wounded or ill,
- (c) must provide the animal with reasonable protection from injurious heat or cold, and
- (d) must provide the animal with adequate shelter, ventilation and space.

19. Section 1(2) of the APA provides that:

For the purposes of this Act, an animal is in distress if it is (a) deprived of adequate shelter, ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold, (b) injured, sick, in pain or suffering, or (c) abused or subjected to undue hardship, privation or neglect.

20. The APA further contains a prohibition against causing distress:
- 2(1) No person shall cause or permit an animal of which the person is the owner or the person in charge to be or to continue to be in distress.
- (1.1) No person shall cause an animal to be in distress.
- (2) This section does not apply if the distress results from an activity carried on in accordance with the regulations or in accordance with reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter.
21. Based on my observations and experience, I felt that these animals were in distress and under undue hardship and I immediately contacted the Alberta Society for the Prevention of Cruelty to Animals (the "ASPCA").
22. Upon arrival of ASPCA Officer Stevenson, I turned over this investigation to their agency and took an assistance role in the investigation.
23. Section 10 of the APA provides as follows:
- Inspection re standards**
- 10(1)** A peace officer may without a warrant during ordinary business hours enter
- (a) any premises, other than a private dwelling house, where animals are kept for sale, hire or exhibition, or
- (b) any vehicle used to transport animals
- to inspect the animals or any vehicle in which animals are transported for the purpose of administering this Act, the regulations under this Act and any regulations prescribing standards for vehicles used to transport animals.
24. ASPCA Officer Stevenson conducted re-inspection of the Property with Demeria and myself and observed what I had already seen. The state of the facility and conditions upon which the dogs were living were clearly due to long term neglect.
25. Some of the photos of the dogs that I took that day are attached hereto and marked as Exhibit "E".
26. Some of the photos of the condition of the Property are attached hereto and marked as Exhibit "F".
27. ASPCA Officer Stevenson then instructed Demeria not to lock the door while she went outside to obtain paperwork. I also went outside to contact Dr. McPherson, a Licensed Veterinarian, when Demeria locked the door and us outside.
28. I contacted the Royal Canadian Mounted Police ("RCMP") and requested that they attend to keep the peace and an officer arrived shortly thereafter.

29. At 12:45 pm, at the direction of ASPCA Officer Stevenson, I contacted a local locksmith. At 1:40 pm, the locksmith arrived and began drilling the lock. Ms. Demeria was filming and yelling at the locksmith who then expressed that he did not want his company name involved and would not be continuing the task.
30. I observed Demeria continually going back and forth from the front of the building to the rear, cleaning the facility with mop and bleach.
31. I contacted a second locksmith who advised that there would be a long delay before arriving. During the wait, Demeria continued to clean the facility.
32. After approximately three hours, the locksmith arrived, opened the door and a re-inspection was conducted with Dr. McPherson.
33. An unknown man arrives looking for his dog that was staying at the Dog E Daycare. The dog was later found in a vehicle out front with no food or water and the windows up. The dog was returned to its owner.
34. The RCMP arrested Demeria for obstruction as well as an unknown male who arrived on scene shortly before entry. Both people were released across the street and asked to remain there.
35. Upon entry, I noticed that the facility had been mopped and bleached and several fans were now running and hallways were significantly clearer.
36. I had a technician qualified to operate an ammonia detector attend and take readings inside the facility.
37. The maximum noted reading was 17 parts per million. The technician explained that the effect of the water that was present on the floors from her recent cleaning attempts would dilute and reduce ammonia concentrations. The technician further advised it is highly plausible that under a non-altered state the ammonia levels would have reached or exceeded exposure limits for humans which are much larger than dogs. The Technician advised The Time Weighted Average exposure limit for Ammonia is 25 ppm, and the Short-Term Exposure Limit is 35 ppm.
38. I noticed that the kennels that were covered in feces had been wiped down and although still in inhumane conditions, they were significantly cleaner than before.
39. Upon conclusion, Dr. MacPherson recommended that fifteen (15) dogs would be seized for immediate medical attention and distress and twenty-nine (29) dogs could remain behind. Attached here and marked as **Exhibit "G"** is a copy of Dr. MacPherson's report.
40. Section 3 of the APA provides the following remedy when dogs are found to be in distress.

**Powers of peace officer**

**3(1)** If an animal is in distress and

(a) the owner or person in charge of the animal does not forthwith take steps that will relieve its distress,

(a.1) a peace officer is of the opinion, on reasonable and probable grounds, that the owner or person in charge of the animal is not likely to ensure that the animal's distress is relieved or to ensure that the animal's distress will continue to be relieved, or

(b) the owner or person in charge of the animal cannot be found immediately and informed of the animal's distress,

a peace officer may, in accordance with section 4, take any action the peace officer considers necessary to locate the animal and relieve its distress, including taking custody of the animal in accordance with the regulations and arranging for transportation, food, water, care, shelter and veterinary treatment for the animal, if necessary.

(2) A peace officer who takes custody of an animal pursuant to subsection (1) shall deliver the animal

(a) to a humane society, or

(b) to a caretaker, if there is no humane society close to the location where the animal is found or if the humane society does not have an appropriate facility in which to keep the animal.

(3) If an animal is found to be in such distress that, in the opinion of

(a) a registered veterinarian, or

(b) if a registered veterinarian is not readily available, a peace officer,

the animal cannot be relieved of its distress and live without undue suffering, the peace officer may destroy the animal or cause the animal to be destroyed and the owner of the animal is liable for the costs of destroying it.

41. Further, under Section 8.2 of the Airdrie Animal Control Bylaw, an Officer is authorized to Capture, seize, impound and deliver to the Pound, any Domestic Animal which: (vi) is in distress on any land or in any vehicle or other place subject to the provisions of the Animal Protection Act.
42. I felt that the remaining 30 dogs were in undue hardship based on the living conditions, ventilation, water, and food observed during initial inspection and told the ASPCA this. However, I was advised by ASPCA Officer Stevenson that she would be going with the recommendation of the veterinarian to only seize 15 dogs that needed immediate attention.

#### The First Seizure

43. The ASPCA's Notice of Seizure dated December 5, 2023 is attached hereto and marked as **Exhibit "H"**. SPCA then cleared the scene.
44. I have obtained a copy of the ASPCA's Process to Reclaim Seized Animals letter (the "**Reclaim Letter**") to Demeria dated December 12, 2023. A copy of this letter is attached hereto and marked as **Exhibit "I"**.
45. It is my understanding that it is standard practice for ASPCA to issue a Reclaim Letter.
46. Per the Reclaim Letter, she may be able to reclaim the dogs if she proves legal ownership, pays all expenses claimed by the ASPCA for the seizure, transportation, assessment, care and board of the animals up to the date of reclaiming the animals.
47. I have been advised by ASPCA Officer Stevenson that Demeria has until December 19, 2023 to gain compliance with these conditions and that, if she does, the dogs may be releasable.

#### The Second Seizure

48. On December 6, 2023 around 9:30 am, being one day after the first seizure, I was informed by ASPCA Director Grainger via phone call that Dr. MacPherson had told the ASPCA that she felt



she should have recommended that the remaining dogs be seized. Numerous brown dog ticks were removed from a dog in her care and based on her medical findings there is a high likelihood of brown dog ticks remaining in the facility and spreading Ehrlichia, a tick born infectious disease. This type of tick is known to infest dog kennels.

49. On December 7, 2023, I was informed by my direct supervisor, Brian Rayner, that he spoke with ASPCA Director Grainger and that he is turning the investigation over to him relating to the health of the remaining dogs and that the ASPCA would assist in finding suitable housing for the remaining seized animals.
50. On December 8, 2023, I collected a statement from Dr. MacPherson which is attached hereto and marked as **Exhibit "J"**.
51. Dr. MacPherson asserted in a statement later taken by me that the amount of debris and material found in the facility would make tick elimination likely impossible with removal of all dogs present. She further advised in the statement that one dog seized had a skin infection under the base of the tail due to fecal matter caught in the matted fur. This condition requires medical attention by a veterinarian and numerous dogs that were left at the facility had fecal matter on them, especially their feet. She advised that the dogs left behind need to be assessed by a veterinarian for skin infections. It was her opinion as a licensed veterinarian that the dogs left behind continue to be in distress and should be removed.
52. I had not attended the Property between December 6, 2023 and December 11, 2023 to personally observe the condition of the remaining dogs.
53. On December 11, 2023, I applied for an Information To Obtain Warrant to enter the Property under Section 4(1) of the APA. Attached hereto and marked as **Exhibit "K"** is a copy of same.
54. Section 4(1) of the APA states:

**Authority to enter premises**

**4(1)** A peace officer who on reasonable and probable grounds believes

- (a) that there is an animal that is in distress on any land or in any vehicle or place other than a private dwelling house, and
- (b) that obtaining a warrant is not practical in the circumstances  
may enter the land, vehicle or place for the purpose of determining whether the animal is in distress and, if necessary, carrying out the peace officer's duties under section 3.

**(2)** A peace officer who on reasonable and probable grounds believes that there is an animal that is in distress in a private dwelling house shall obtain a warrant to enter the private dwelling house for the purpose of carrying out the peace officer's duties under section 3.

**(3)** A peace officer acting under the authority of this section shall, on request, produce the peace officer's certificate of appointment to the owner or occupant of any land, vehicle or place entered pursuant to this section.

**(4)** A peace officer shall use no more force than is reasonably required to enter or search any land, vehicle or place.

55. The warrant was granted on December 11, 2023. Attached hereto and marked as **Exhibit "L"** is a copy of the executed warrant.
56. On December 12, 2023, the remaining twenty-nine (29) dogs were seized (one that had been there at the time of the first seizure was gone) and transferred to the Alberta Humane Society in Edmonton. Attached hereto and marked as **Exhibit "M"** is the Humane Society Animal Transfer Form.
57. On December 12, 2023, Airdrie laid charges against Demeria for breach of Section 2(1) of the APA for causing or permitting an animal for which she is the owner or the person in charge to be or continue to be in distress. She was also charged on that date for operating Dog E Daycare without a valid business licence under Section 4.01 of the Airdrie Business Bylaw. Attached hereto and marked as **Exhibit "N"** is a copy of those charges.

#### **Additional History on Dog E Daycare and EJ Rescue**

58. The following information was obtained from my review of CityView, an Officer used database to track work files and log all investigations.
59. On March 6, 2020, Airdrie received a complaint from an individual who was a foster for a dog from EJ Rescue. She stated that the dog had been very sick, with a bleeding nose, coughing and sneezing. She stated that it took 5 days to get EJ Rescue to respond to her calls and that they then took the dog back. She was worried about the welfare of the dog and concerned that the dog was highly contagious and could make other dogs sick.
60. I personally attended the Property on that date and advised that I would be conducting a 10(1) inspection under the APA. Although no charges were laid as a result of the complaint, my notes include observations made of the condition of the facility at that time and are attached hereto and marked as **Exhibit "O"**. This is an excerpt from those notes:

I knocked on the door again the staff member took upwards of 15 minutes to put the animal away and I believe she was scrambling to clean, as we inspected the floors were very wet as she had just gone and sprayed the floors with a cleaner while we waited there were several smeared piles of feces, urine on the floor and miscellaneous boxes and towels, dishes etc. the facility was deplorable there appeared to be zero cleaning protocol the facility its self had walls falling apart and nothing appeared to be in any sort of organized order [emphasis added].
61. On July 27, 2021, Airdrie received a complaint reporting that a neighbouring business – Dog E Daycare - was cleaning their kennel space and washing all the dog waste into the alley. The complainant reported that the stink of the alley and the entire building (his being one of 3 units), is due to unclean practices of Dog E Daycare and that it is affecting his business. A Peace Officer was dispatched and the records confirm that he deemed the complaint valid and that a warning notice to Dog E Daycare would be sent. Attached hereto and marked as **Exhibit "P"** is a copy of the investigation notes.
62. On October 13, 2022, Airdrie received another complaint about Dog E Daycare washing all the urine and feces into the back alley of their site. Demeria was given a warning as she claimed that her water hose had leaked and the Peace Officer observed a leak from the hose. Attached hereto and marked as **Exhibit "Q"** is a copy of the investigation notes.

63. Further, on November 25, 2022, a complaint was made against EJ Rescue for not cleaning the area behind the facility, and there being a large pile of dog feces. A Peace Officer called the business and was informed that they were trying to clean it up as the ice melts. EJ Rescue was told that they need to clean up daily. Attached hereto and marked as **Exhibit "R"** is a copy of the investigation notes.
64. On January 3, 2023, Airdrie received another complaint reporting that EJ Rescue is not cleaning and that the smell coming from the property is "revolting". A Peace Officer attended and his notes indicate that he could smell feces in the neighbouring bay coming from EJ Rescue. In a follow up attendance, he again detected a strong smell of feces and urine present. On both attendances, the door to Dog E Daycare and EJ Rescue was locked and he could not see inside the Property. Attached hereto and marked as **Exhibit "S"** is a copy of the investigation notes.

**Update on Welfare of the Dogs and Ms. Demeria's intentions**

65. I have been made aware by the ASPCA that one of the dogs seized on December 5, 2023 has had to be euthanized. I was advised that the dog was so matted that they had to sedate him just to shave the animal. He also had a skin infection from fecal matted to his behind. In addition, he had severe muscle loss and his behaviour was feral.
66. I am informed by legal counsel that counsel for Demeria has expressed that his client intends to reclaim the animals.
67. Section 12(1) of the APA sets forth the offence should Demeria be found guilty of violating Section 2(1) of the APA. It reads:
- Offence 12(1) A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$20 000. (2) If the owner of an animal is found guilty of an offence under section 2, the Court may make an order restraining the owner from continuing to have custody of an animal for a period of time specified by the Court. (3) The Court may make an order under subsection (2) on any terms and conditions it considers appropriate [emphasis added].
68. I have spoken to Office Stevenson and Director Grainger at the ASPCA and they have informed me that they support Airdrie's Section 13 application to maintain custody of the dogs pending the hearing of the APA charges.
69. Section 13 states:
- Order of custody 13(1) A peace officer may apply to the Court of King's Bench for an order granting to the peace officer custody of an animal in respect of which a charge has been laid under section 12. (2) An applicant under subsection (1) may retain custody of an animal in respect of which the application is made pending the outcome of any proceedings under section 12, notwithstanding that the owner of the animal (a) pays the expenses incurred in respect of the animal under sections 3(1) and 5, and (b) requests the peace officer, or any humane society or caretaker to whom the peace officer has delivered the animal, to return the animal to the owner. (3) The Court may make an order under this section on any terms and conditions it considers appropriate [emphasis added].
70. I fear that these animals will likely suffer unnecessary distress should they be returned to Demeria before the full hearing of the Application for a Section 13 Custody Order on its merits. I

am informed by counsel that the Section 13 Application is being filed seeking a return date of January 4, 2023, but that if that date is not available, we will ask that the Application be set down for the next available date.

- 71. I further fear that these animals will likely suffer unnecessary distress should they be returned to Demeria at all and support the Crown in seeking a restriction on Demeria's ability to own or care for animals in the future should it chose to do so. At the time of swearing this affidavit, I am not aware of any Crown having been assigned to this case yet.
- 72. I respectfully swear this application in support of:
  - a. The Section 13 Custody Application;
  - b. The Application for an Injunction for custody of the dogs to remain with the Humane Societies until the imminent hearing of the Section 13 Custody Application on its merits.

SWORN BEFORE ME at the City of Calgary in )  
the Province of Alberta, this 18<sup>th</sup> day of )  
December 2023. )



\_\_\_\_\_  
A Commissioner for Oaths in and for Alberta )

Jordan Lalonde  
Student-at-Law



\_\_\_\_\_  
Brad Tomlinson



# EXHIBIT "A"

This is Exhibit "A" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law

Jordan Lalonde  
Student-at-Law

# Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2023/12/14  
Time of Search: 01:24 PM  
Search provided by: FIELD LLP - CALGARY  
Service Request Number: 41090478  
Customer Reference Number: 52649-2

**Corporate Access Number:** 2018186227  
**Business Number:** 815311378  
**Legal Entity Name:** 1818622 ALBERTA LTD.

**Legal Entity Status:** Struck  
**Struck Off Date:** 2021/09/02  
**Alberta Corporation Type:** Numbered Alberta Corporation  
**Registration Date:** 2014/04/29 YYYY/MM/DD

### Registered Office:

**Street:** [REDACTED]  
**City:** [REDACTED]  
**Province:** [REDACTED]  
**Postal Code:** [REDACTED]

### Records Address:

**Street:** [REDACTED]  
**City:** [REDACTED]  
**Province:** [REDACTED]  
**Postal Code:** [REDACTED]

### Directors:

**Last Name:** DEMERIA  
**First Name:** TRINA  
**Street/Box Number:** [REDACTED]  
**City:** [REDACTED]  
**Province:** [REDACTED]  
**Postal Code:** [REDACTED]

### Voting Shareholders:

**Last Name:** DEMERIA  
**First Name:** TRINA  
**Street:** [REDACTED]  
**City:** [REDACTED]  
**Province:** [REDACTED]  
**Postal Code:** [REDACTED]  
**Percent Of Voting Shares:** 100

**Details From Current Articles:**

**The information in this legal entity table supersedes equivalent electronic attachments**

**Share Structure:** SEE SCHEDULE "A"  
**Share Transfers Restrictions:** NO SHARES OF THE CORPORATION MAY BE TRANSFERRED WITHOUT APPROVAL OF THE BOARD OF DIRECTORS  
**Min Number Of Directors:** 1  
**Max Number Of Directors:** 7  
**Business Restricted To:** NONE  
**Business Restricted From:** NONE  
**Other Provisions:** SEE SCHEDULE "B"

**Associated Registrations under the Partnership Act:**

Trade Partner Name	Registration Number
DOG "E"DAYCARE	TN18200055

**Other Information:**

**Last Annual Return Filed:**

File Year	Date Filed (YYYY/MM/DD)
2018	2018/03/28

**Outstanding Returns:**

Annual returns are outstanding for the 2023, 2022, 2021 and 2 previous file year(s).

**Filing History:**

List Date (YYYY/MM/DD)	Type of Filing
2014/04/29	Incorporate Alberta Corporation
2017/02/01	Initiate Revival of Alberta Corporation
2017/02/01	Complete Revival of Alberta Corporation
2018/03/28	Enter Annual Returns for Alberta and Extra-Provincial Corp.
2020/02/21	Update BN
2021/05/26	Status Changed to Start for Failure to File Annual Returns
2021/09/02	Status Changed to Struck for Failure to File Annual Returns

**Attachments:**

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
<a href="#">Share Structure</a>	ELECTRONIC	2014/04/29
<a href="#">Other Rules or Provisions</a>	ELECTRONIC	2014/04/29

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.





# EXHIBIT "B"

This is Exhibit "B" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law

# Government of Alberta ■ Trade Name / Partnership Search Corporate Registration System

Date of Search: 2023/12/14  
Time of Search: 01:23 PM  
Search provided by: FIELD LLP - CALGARY  
Service Request No: 41090459  
Customer Reference No: 52649-2

**Registration No:** TN18200055  
**Current Business Name:** DOG "E"DAYCARE  
**Status of Business Name:** Active  
**Trade Name / Partnership Type:** Trade Name  
**Commencement Date:** 2014/05/05 YYYY/MM/DD  
**Date of Registration:** 2014/05/05 YYYY/MM/DD  
**Type of Business:** DOG DAYCARE AND BOARDING AND RELATED PRODUCTS

**Current Declarant:**

**Last/Legal Entity Name:** 1818622 ALBERTA LTD.

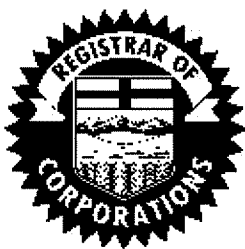
**Street:** [REDACTED]  
**City:** [REDACTED]  
**Province:** [REDACTED]  
**Postal Code:** [REDACTED]

**Other Information:**

**Filing History:**

List Date	Type of Filing
2014/05/05	Register Trade Name

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.



# EXHIBIT "C"

This is Exhibit "C" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



LAND TITLE CERTIFICATE

S  
 LINC                                      SHORT LEGAL                                      TITLE NUMBER  
 0013 735 379                                      8710742;2                                      151 331 925

LEGAL DESCRIPTION  
 CONDOMINIUM PLAN 8710742  
 UNIT 2  
 AND 3333 UNDIVIDED ONE TEN THOUSANDTH SHARES IN THE COMMON PROPERTY  
 EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE  
 ATS REFERENCE: 4;29;27;10;NE

MUNICIPALITY: CITY OF AIRDRIE

REFERENCE NUMBER: 081 091 719

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
151 331 925	18/12/2015	TRANSFER OF LAND	\$400,000	\$400,000

OWNERS  
 1818622 ALBERTA LTD.  
 OF #2, 69 EAST LAKE CRESCENT  
 AIRDRIE  
 ALBERTA T4A 2H6

ENCUMBRANCES, LIENS & INTERESTS		
REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
771 147 064	20/10/1977	ZONING REGULATIONS SUBJECT TO CALGARY INTERNATIONAL AIRPORT ZONING REGULATIONS
151 331 926	18/12/2015	MORTGAGE MORTGAGEE - ROYAL BANK OF CANADA. 36 YORK MILLS RD, 4TH FLR. TORONTO ONTARIO M2P0A4

( CONTINUED )



ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 151 331 925

REGISTRATION  
NUMBER      DATE (D/M/Y)      PARTICULARS

ORIGINAL PRINCIPAL AMOUNT: \$357,000

151 331 927      18/12/2015 CAVEAT  
RE : ASSIGNMENT OF RENTS AND LEASES  
CAVEATOR - ROYAL BANK OF CANADA.  
C/O MILLER THOMSON LLP  
3000, 700-9 AVENUE SW  
CALGARY  
ALBERTA T2P3V4  
AGENT - ALEXANDRA FOX

231 243 227      15/08/2023 WRIT  
CREDITOR - 1513087 ALBERTA LTD.  
5-3402-8 ST SE  
CALGARY  
ALBERTA T2G5S7  
DEBTOR - 1818622 ALBERTA LTD.  
55 ROYAL TERRACE NW  
CALGARY  
ALBERTA T3G4X6  
AMOUNT: \$11,819 AND COSTS IF ANY  
ACTION NUMBER: 2301-02195

\* ADDITIONAL REGISTRATIONS MAY BE SHOWN ON THE CONDOMINIUM ADDITIONAL  
PLAN SHEET

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 14 DAY OF  
DECEMBER, 2023 AT 01:39 P.M.

ORDER NUMBER:      49149575

CUSTOMER FILE NUMBER:      52649-2



\*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

# EXHIBIT "D"

This is Exhibit "D" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law

# Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2023/12/14  
Time of Search: 01:25 PM  
Search provided by: FIELD LLP - CALGARY  
Service Request Number: 41090485  
Customer Reference Number: 52649-2

Corporate Access Number: 5122835910  
Business Number: 715707873  
Legal Entity Name: EJ RESCUE FOUNDATION

Legal Entity Status: Start  
Legal Entity Type: Non-Profit Private Company  
Limited by Shares: Y  
Registration Date: 2020/08/20 YYYY/MM/DD  
Date of Last Status Change: 2023/10/02 YYYY/MM/DD

**Registered Office:**

Street: 1600-421 7 AVE SW  
City: CALGARY  
Province: ALBERTA  
Postal Code: T2P4K9

**Records Address:**

Street: 1600-421 7 AVE SW  
City: CALGARY  
Province: ALBERTA  
Postal Code: T2P4K9

Email Address: GWLG.CALGARY.CORPORATE@GOWLINGWLG.COM

**Primary Agent for Service:**

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
MCLEMAN	SCOTT		GOWLING WLG (CANADA) LLP	1600 421 7 AVE SW	CALGARY	ALBERTA	T2P4K9	GWLG.CALGARY.CORPORATE@GOWLINGWLG.COM

**Directors:**

Last Name: BROST  
First Name: JENNIFER  
Street/Box Number: [REDACTED]  
City: [REDACTED]  
Province: [REDACTED]  
Postal Code: [REDACTED]

Last Name: DEMERIA  
First Name: TRINA  
Street/Box Number: [REDACTED]  
City: [REDACTED]  
Province: [REDACTED]  
Postal Code: [REDACTED]



**Other Information:****Outstanding Returns:**

Annual returns are outstanding for the 2023, 2022, 2021 file year(s).

**Filing History:**

List Date (YYYY/MM/DD)	Type of Filing
2020/08/20	Incorporate Non-Profit Company
2020/08/20	Update Business Number Legal Entity
2022/03/21	Change Agent for Service
2022/04/22	Capture Microfilm/Electronic Attachments
2023/10/02	Status Changed to Start for Failure to File Annual Returns

**Attachments:**

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Articles of Association	10000007130254397	2020/08/20
Memorandum of Association	10000207130254396	2020/08/20
Notice of Address	10000807130254398	2020/08/20
Notice of Directors	10000607130254399	2020/08/20
Nuans	10000207130254400	2020/08/20
Supporting Documentation	10000307134531163	2022/04/22

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.



# EXHIBIT "E"

This is Exhibit "E" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.

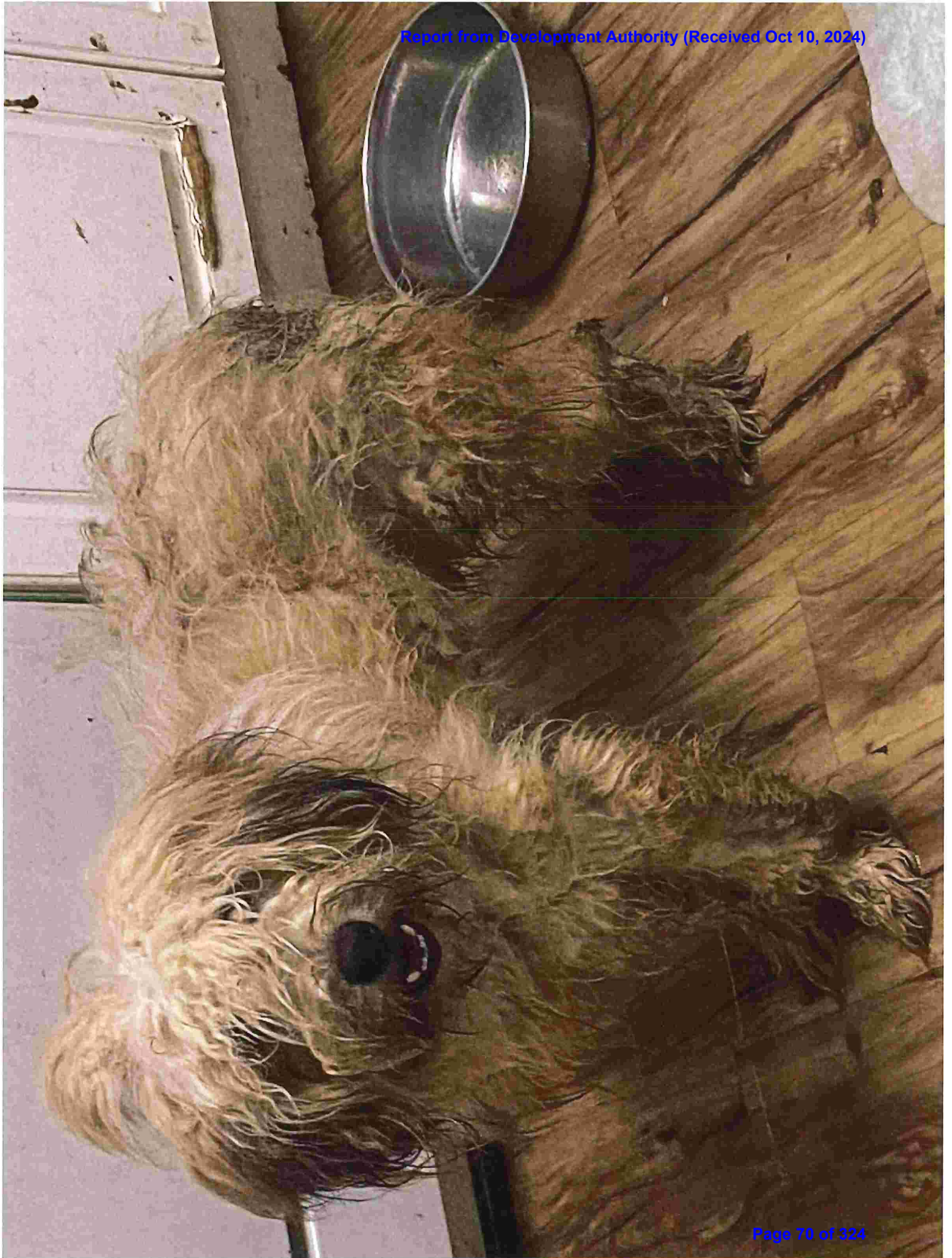


A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law

















































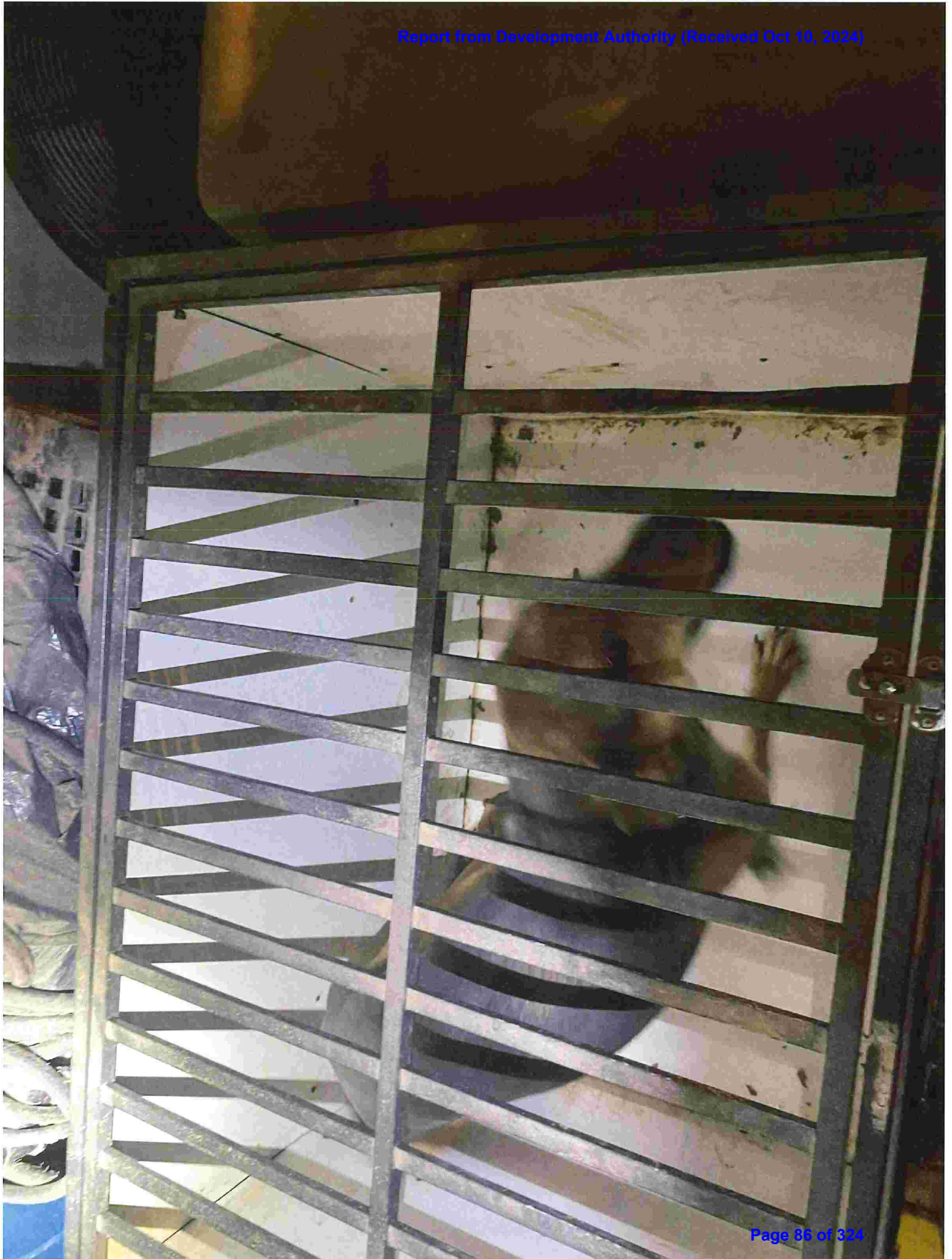












# EXHIBIT "F"

This is Exhibit "F" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.

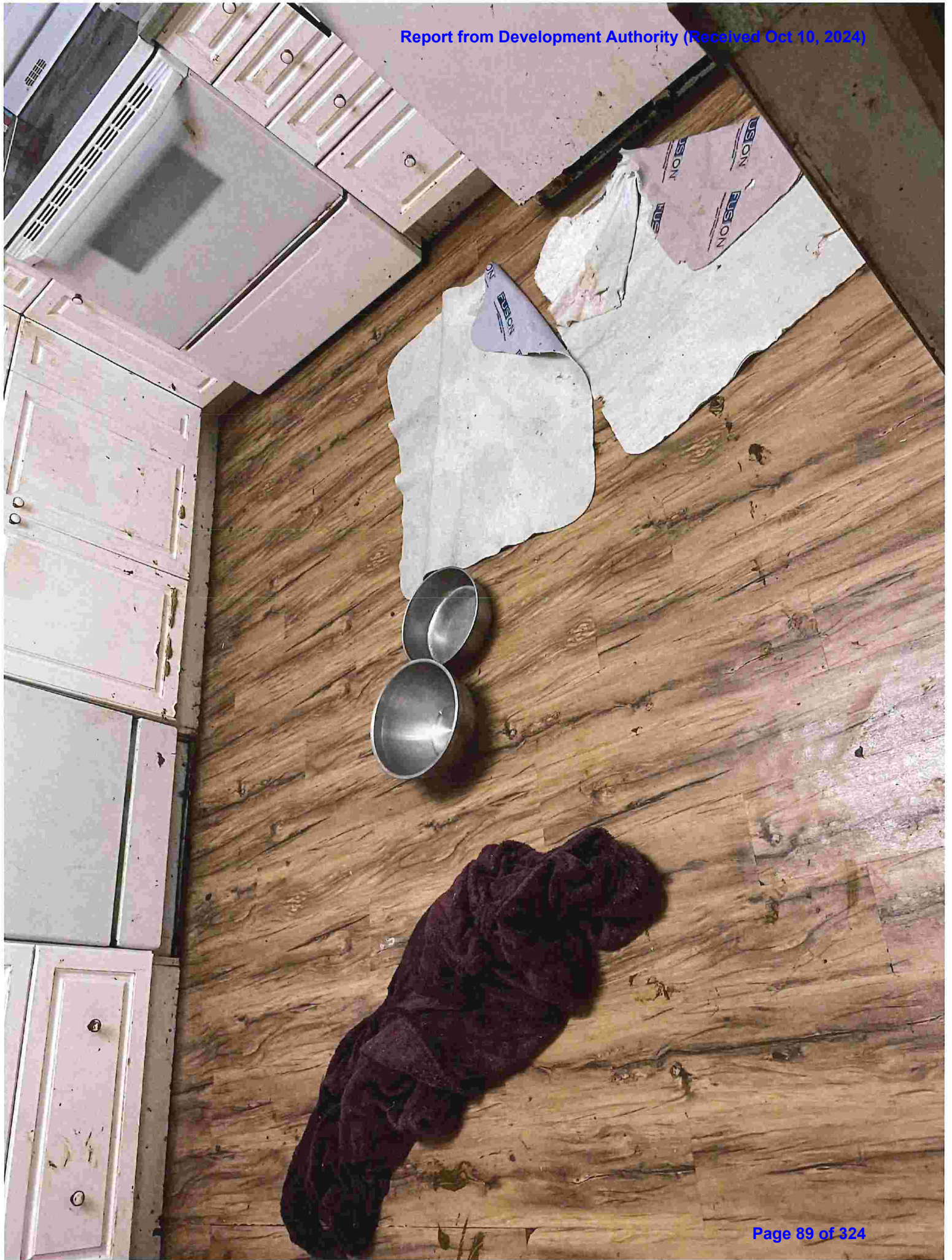


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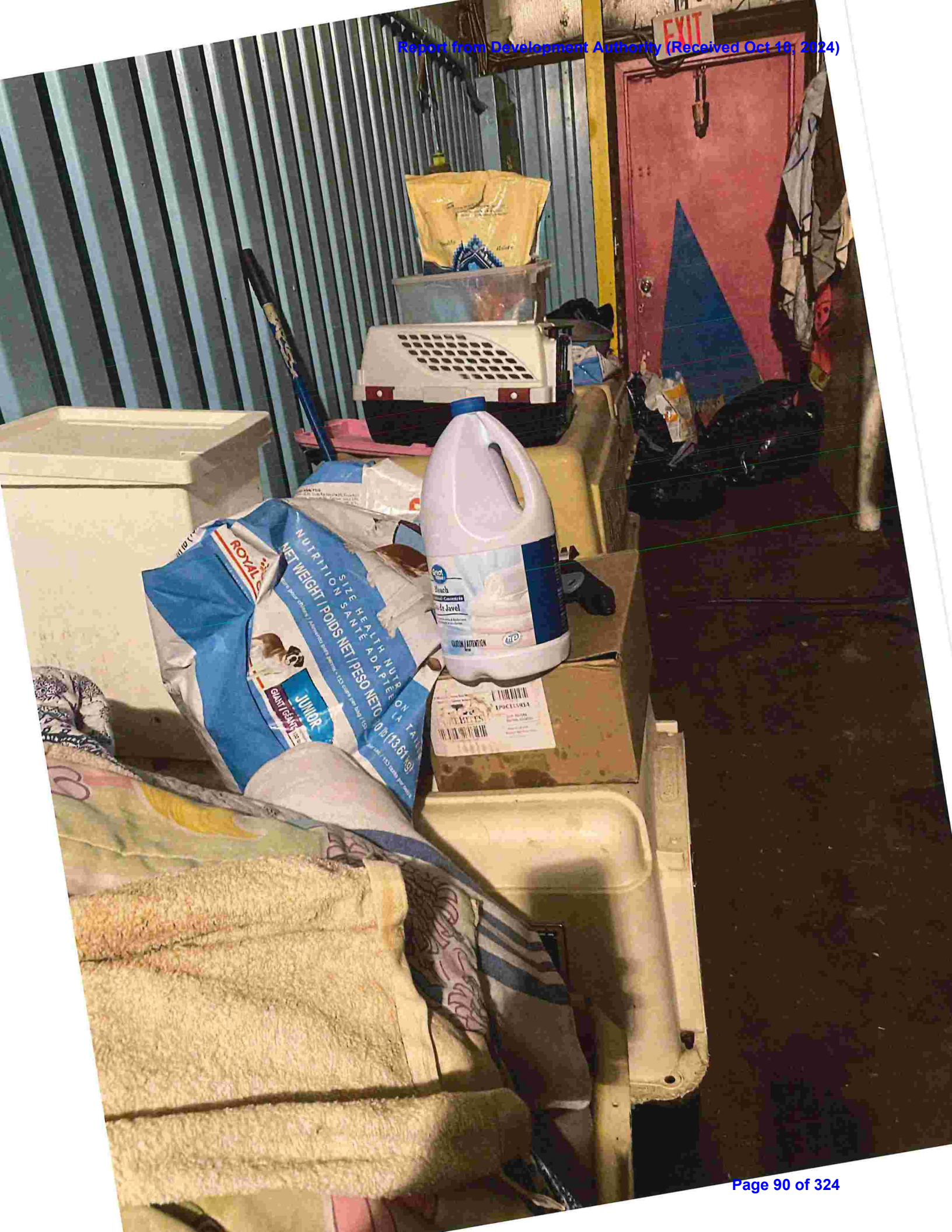
Jordan Lalonde  
Student-at-Law

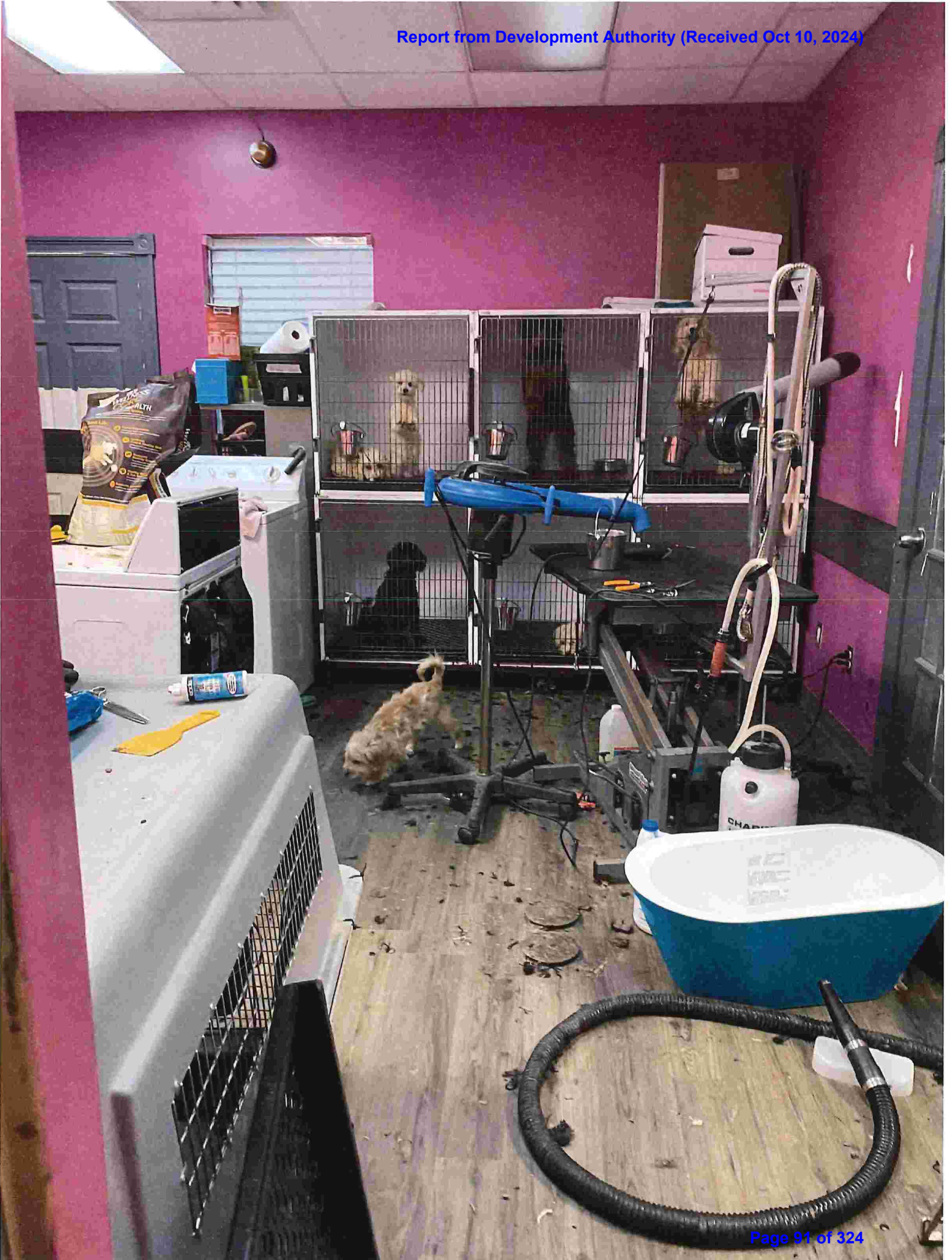










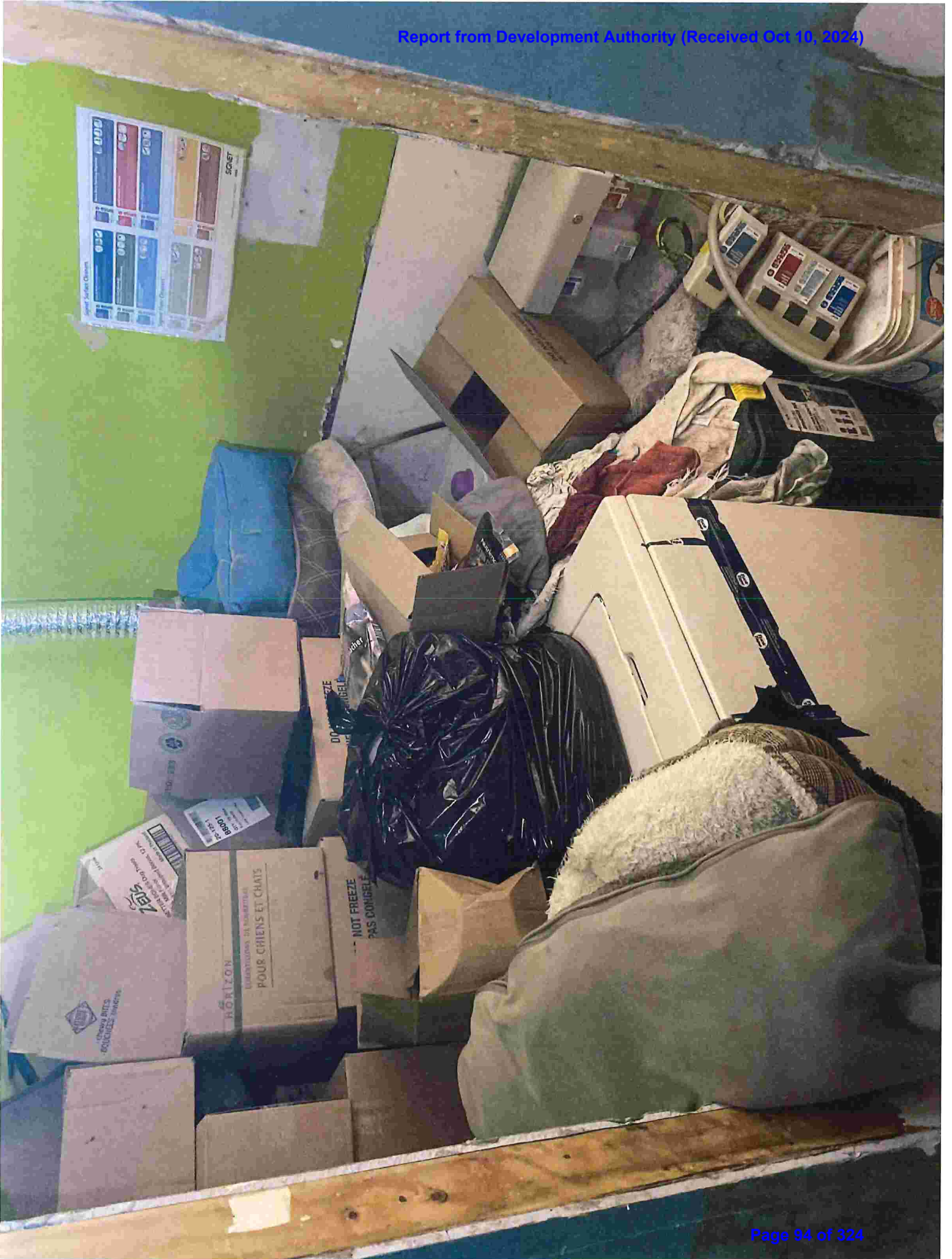


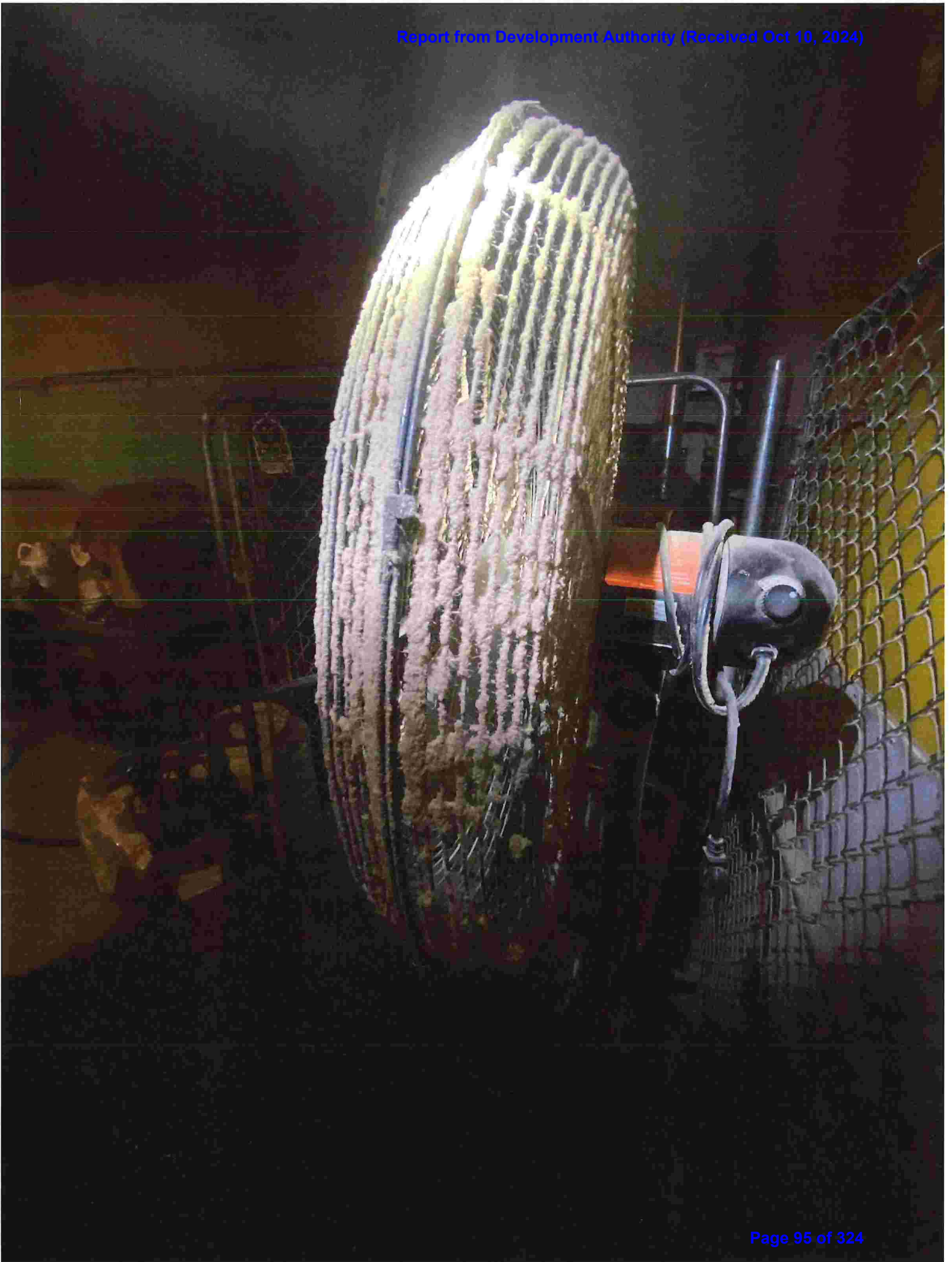




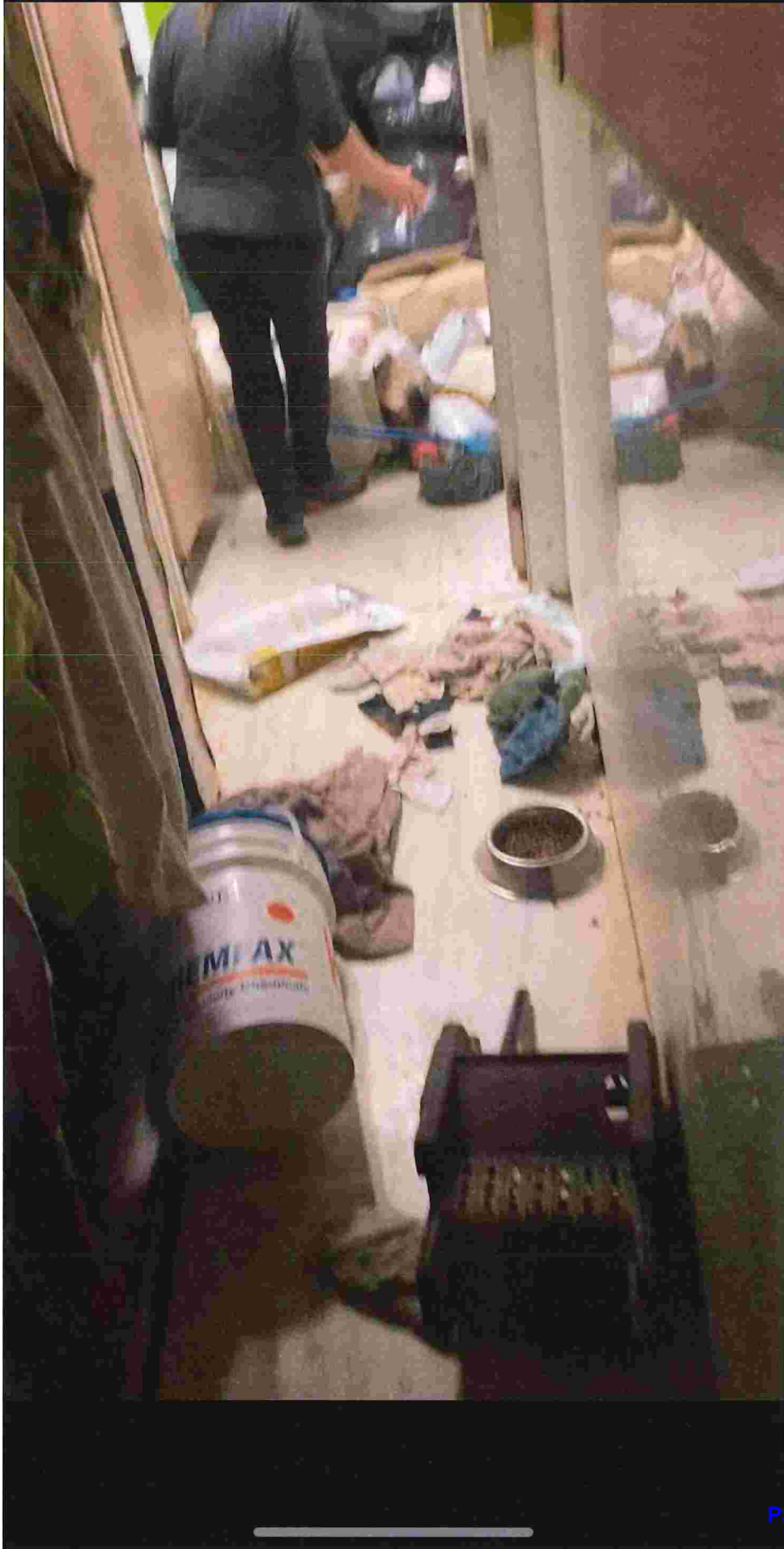




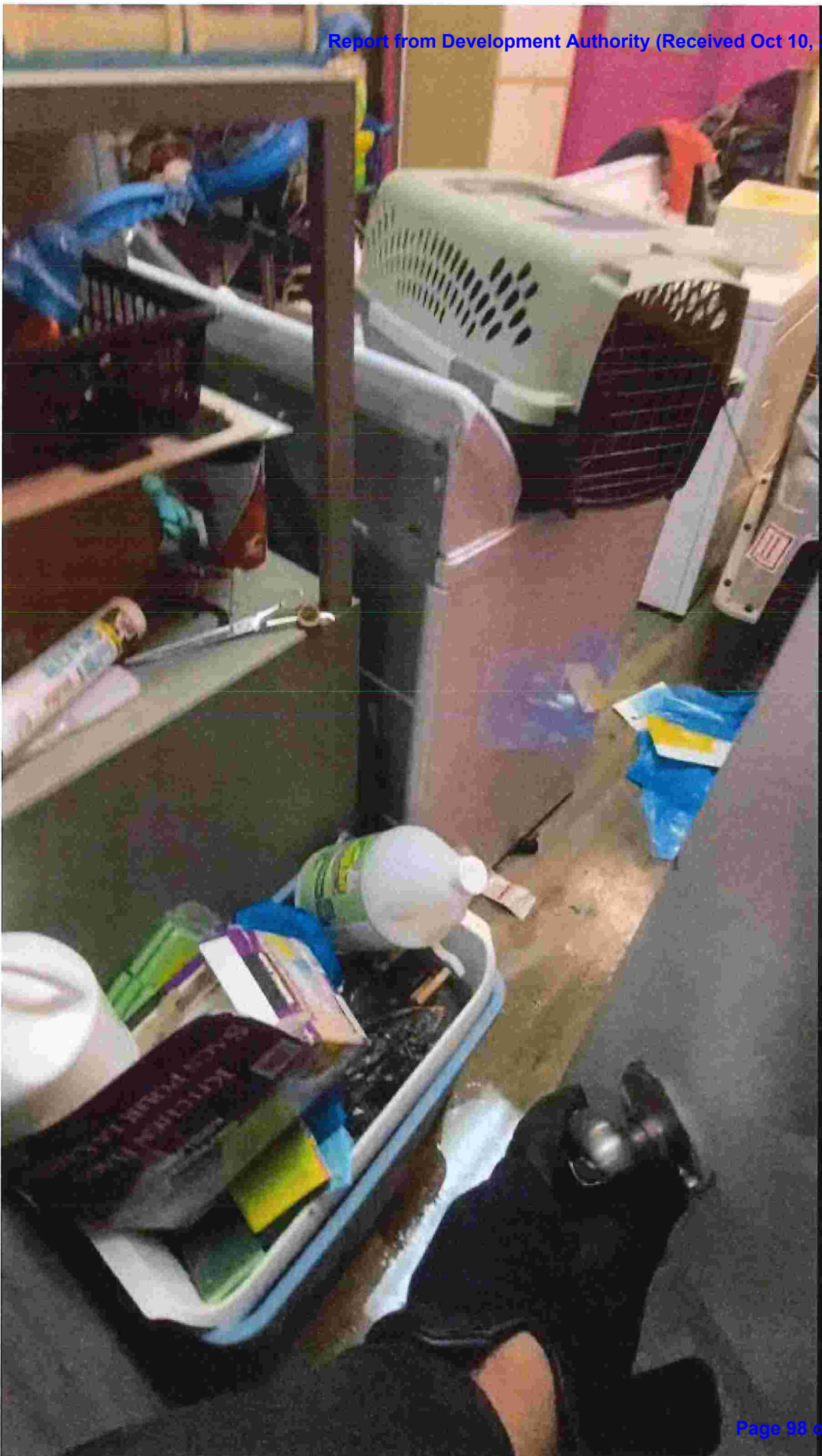




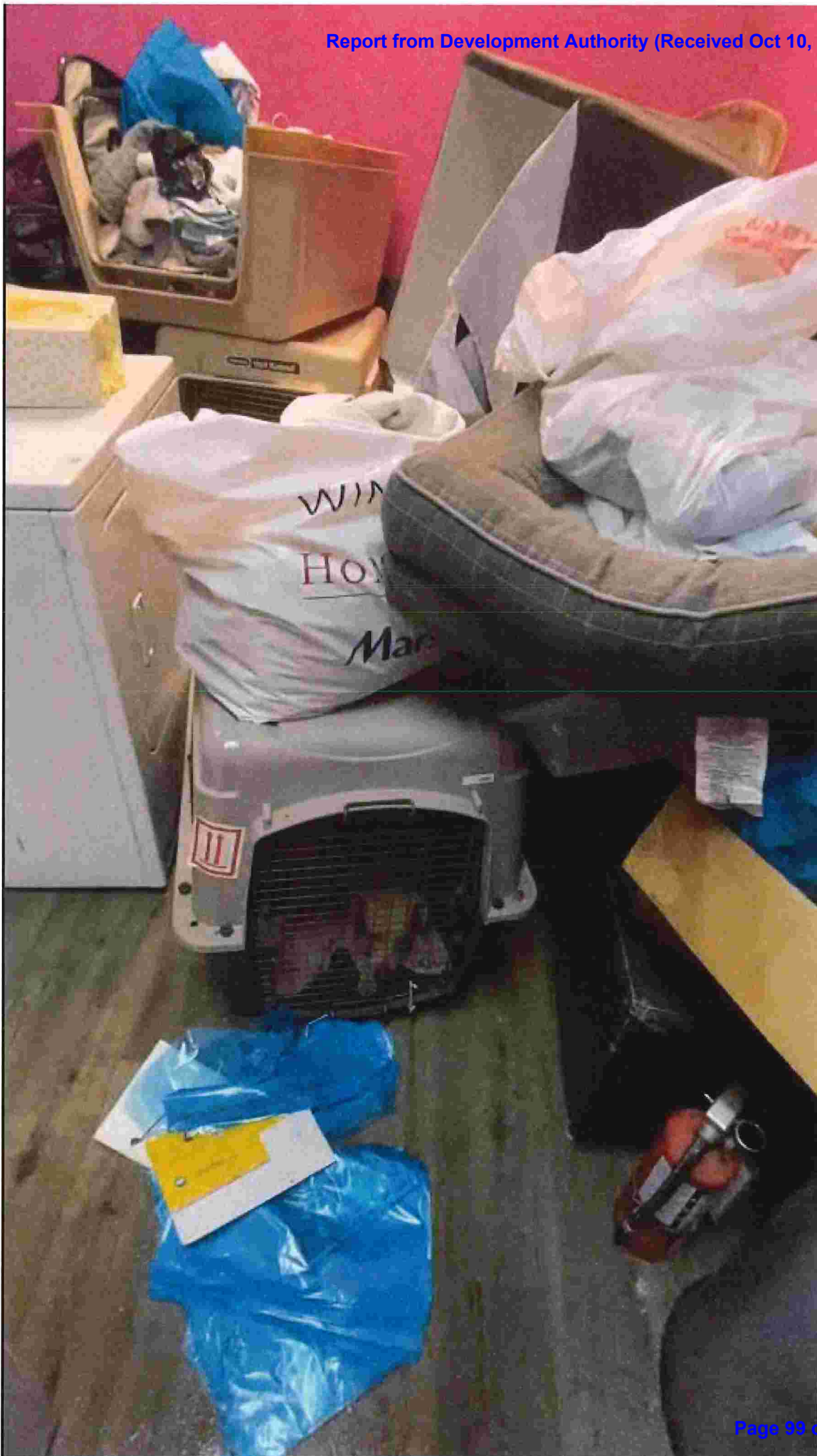


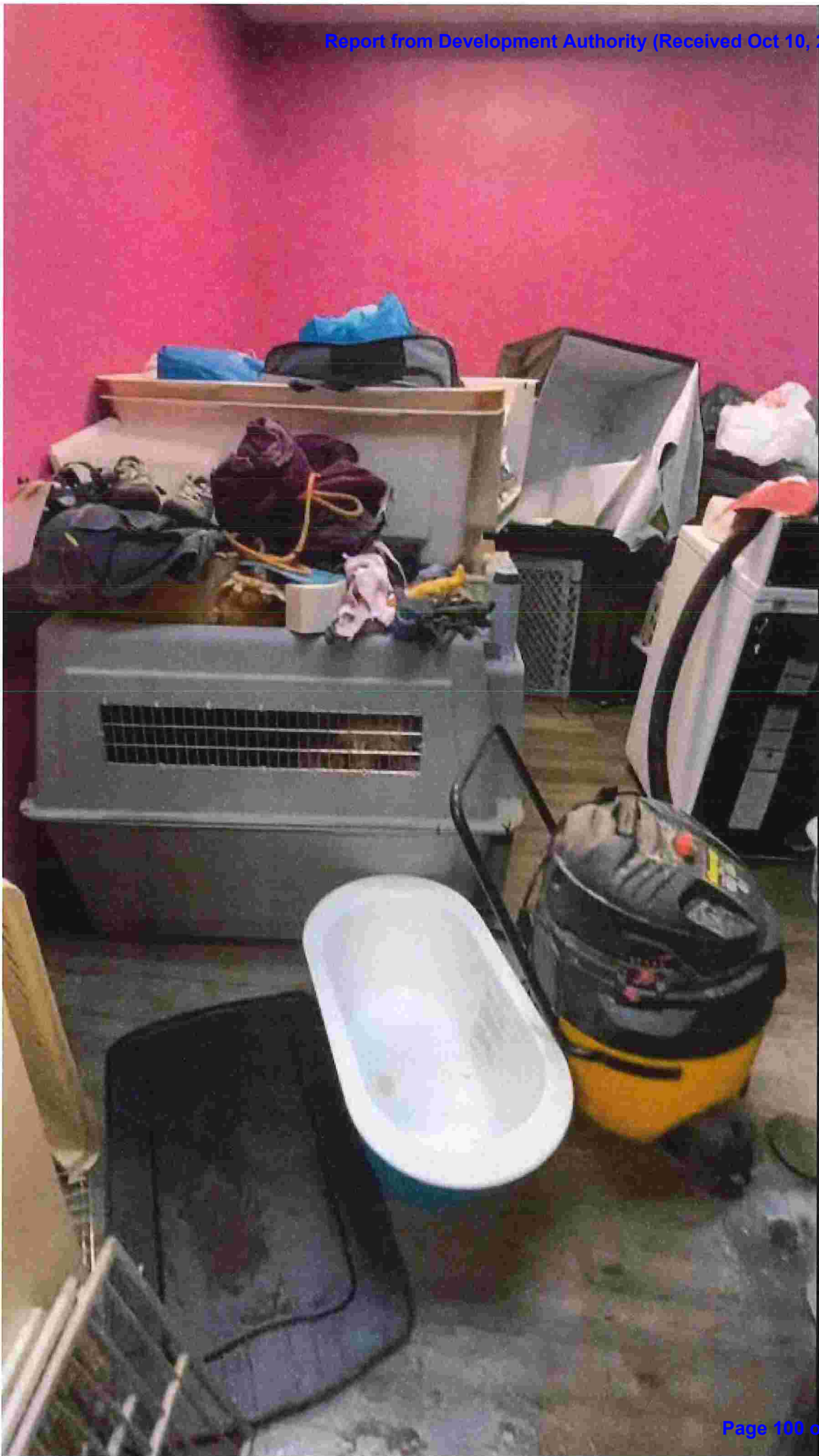






















# EXHIBIT "G"

This is Exhibit "G" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



## SPCA Report

I, Dr. Kendra MacPherson, veterinarian, was contacted by Officer Brad with Airdrie Bylaw for my medical opinion of animals in distress. I offered to come on scene to assess the dogs in place.

At 1:00pm on Tuesday December 5, 2023 I attended #2 69 East Lake Crescent NE Airdrie, Dog "E" Daycare.

I reviewed footage obtained by Officer Brad that illustrated numerous dogs in cages without water. There was one small doodle that wasn't lifting his head when the officer tried to get his attention. I was concerned that this animal may be in medical distress and in need of veterinary medical attention. SPCA Officer Karen Stevenson had a photo of a recently vacated kennel that showed the bottom completely covered in liquid feces. This animal too could be in medical distress due to dehydration and needed veterinary evaluation.

We gained access to the facility at 3:58pm. Upon entering the building, there was water all over the floor in the reception area. The room smelled of dog urine, feces and bleach.

The first room to the left of the entrance contained 3 small poodle type dogs, each in their own metal stacking kennel. There was no water or food bowls present in any of those cages. The dogs appeared bright, alert and responsive. Their fur coats were dirty with fecal matter.

The kitchen contained three dogs, in two separate partitioned areas. The main kitchen area had a wheaten terrier and a small black cocker (image 1). Both dogs were bright, alert and responsive and were of good body condition score. Their coats were dirty with urine and fecal matter. The black cocker has severe periodontal disease.

In the partitioned area of the kitchen there is another Wheaten terrier. Due to severe fear, anxiety, and stress, only a distant exam was possible. The dog was severely matted, covered with fecal matter and appeared to be in poor body condition (thin). I deemed this animal to be in distress and in need of further veterinary medical attention, so was seized.

To the right of the kitchen there was a room with 7 small breed dogs in 6 metal kennels. There is no food or water available to them. Two additional crates on the floor with medium breed dogs. Feet are matted with fecal matter. All bright, alert, responsive and appear to be of good body condition.

Large run contained 1 French bulldog and 2 English bulldogs. Within the run there is another set of metal kennels with small breed dogs.

Two additional rooms with metal kennels and small breed dogs. The small brown doodle that was of concern for possible distress on video, was identified in this room. Physical exam showed a body condition score of 4/9, partially erupted adult canine teeth. The puppy had severe fear, anxiety and stress but was otherwise in stable condition. In the same room there was a red and white Boston Terrier with a fresh pile of vomit in the kennel. The vomitus contained recently ingested food. On a second pass of the room, about 15 minutes later there was even more vomit within the kennel. I determined that this dog needed further veterinary medical attention, so was seized. Overwhelming smell of dog urine and feces in this area of the building.

The back of the building there was a large area with numerous large dog crates. 13 dogs were in these crates. None of the crates contained dishes for food or water. There was urine and fecal matter in the bottom of the kennels. All of the dogs were barking, more than half were clawing and lunging at the kennel doors in attempts to escape. I deemed these dogs to be distressed due to their confinement.

4 of the seized animals were removed from Dog "E" Daycare and placed into the care of Airdrie Animal Health Centre. These included both dogs that required additional veterinary medical assessment – the severely matted Wheaton Terrier and the Red and White Boston Terrier.

**Large Labrador Retriever mix – neutered male, 34.1kg**

**Physical Examination**

GENERAL APPEARANCE: BAR on presentation.

Temperament: Friendly, FAS 3/5 trying to escape, pacing, panting, dilated pupils, non-aggressive

BCS: 5/9

HR: Unable to assess due to temperament.

RR: panting

Temp: not taken

Pain: 0/4

Hydration Status: Normal

EYE: No ocular discharge, clear cornea.

EAR: Normal carriage and position. Canals appear clear of discharge/debris.

MOUTH-TEETH: Pink and moist mucous membranes. Grade 1/3 tartar, mild gingivitis.

GASTROINTESTINAL: Tense on abdominal palpation. No masses or pain. Perineal area seems normal, free of feces, urine, parasitism or lesions.

CARDIOVASCULAR: No murmurs or arrhythmias heard on auscultation. Moderately strong and synchronous femoral pulses.

RESPIRATORY: Lungs were clear. Normal respiratory effort and character.

MUSCULOSKELETAL: Muscle condition score normal.

UROGENITAL: NAF

LYMPH NODES: Normal size and movable.

COAT-SKIN: Good condition. Flaking of skin along lumbar region.

NEUROLOGICAL: Normal mentation. Normal limb placement.

**Assessment**

**Problem list:**

1. Mild periodontal disease
2. Moderate FAS score

**Blue Merle Poodle – intact male, 9.5kg**

GENERAL APPEARANCE: BAR on presentation.

Temperament: non-aggressive but high FAS score of 4/5, trying to escape, panting, eyes dilated, biting at leash restraint but not people.

BCS: 4/9

HR: 112

RR: 20

Temp: not taken

Pain: 0/4

Hydration Status: Normal

EYE: No ocular discharge, clear cornea.

EAR: Normal carriage and position. Canals appear clear of discharge/debris.

MOUTH-TEETH: Pink and moist mucous membranes. Grade 2/3 tartar, mild gingivitis.

GASTROINTESTINAL: Tense on abdominal palpation. No masses or pain. Perineal area seems normal, free of feces, urine, parasitism or lesions.

CARDIOVASCULAR: No murmurs or arrhythmias heard on auscultation. Moderately strong and synchronous femoral pulses.

RESPIRATORY: Lungs were clear. Normal respiratory effort and character.

MUSCULOSKELETAL: Generalized reduced muscle condition.

UROGENITAL: Two descended testicles.

LYMPH NODES: Normal size and movable.

COAT-SKIN: Fecal matter and urine in fur, especially his feet. Some small mats on his head.

NEUROLOGICAL: Normal mentation. Normal limb placement.

#### Assessment

1. Poor coat condition with fecal matter and urine
2. Reduced muscle mass, generalized DDX: malnutrition, malabsorption, renal disease, liver disease, neoplasia, other.
3. Moderate periodontal disease
4. High FAS score

#### Red and White Boston Terrier – intact female, 6.7kg

GENERAL APPEARANCE: BAR on presentation.

Temperament: Shy but cooperative, FAS moderate 3/5 dilated pupils, shaking, averting gaze.

BCS: 5/9

HR: 120

RR: shaking making rate difficult to assess.

Temp: 37.5 C

Pain: 0/4

Hydration Status: Normal

EYE: No ocular discharge, clear cornea.

EAR: Normal carriage and position. Canals appear clear of discharge/debris.

MOUTH-TEETH: Pink and moist mucous membranes. Grade 1/3 tartar, mild gingivitis.

GASTROINTESTINAL: Tense on abdominal palpation. No masses or pain. Perineal area seems normal, free of feces, urine, parasitism or lesions.

CARDIOVASCULAR: No murmurs or arrhythmias heard on auscultation. Moderately strong and synchronous femoral pulses.

RESPIRATORY: Lungs were clear. Normal respiratory effort and character.

MUSCULOSKELETAL: Muscle condition score normal.



UROGENITAL: Bloody discharge from vulva, vulvar development.

LYMPH NODES: Normal size and movable.

COAT-SKIN: Good condition.

NEUROLOGICAL: Normal mentation. Normal limb placement.

**Diagnostics:**

AFAST ultrasound – large bladder, food material within the stomach. No apparent dilated uterine loops that would be consistent with pregnancy or pyometra. Bloody discharge with vulvar engorgement indicates that she is likely in heat. Cannot rule out very recent breeding.

**Assessment**

1. In heat
2. Mild periodontal disease
3. Moderate FAS score

**Wheaten terrier – intact male, 10.5kg (after shaving)**

Over the phone authorization from SPCA Karen Stevenson to proceed with sedation physical examination and shave. Discussed risk of anesthetic complications since we are unable to perform a physical examination prior to sedation. Risks accepted and authorized to proceed.

**Physical exam**

GENERAL APPEARANCE: BAR on presentation.

Temperament: Averting gaze, panting, eyes dilated, bit attempt at leash, defecation, urination with restraint. Severely high FAS score. Fear aggressive.

Sedation with 0.010mg/kg dexdomitor, 0.2mg/kg butorphanol, 2mg/kg ketamine all given IM, topped up with 2mg/kg alfaxalone IM.

BCS: 3/9

HR: 84 (sedated)

RR: 16 (sedated)

Temp: not taken

Pain: 1/4

Hydration Status: Normal

EYE: No ocular discharge, clear cornea.

EAR: Normal carriage and position. Canals appear clear of discharge/debris.

MOUTH-TEETH: Pink and moist mucous membranes. Grade 2/3 tartar, mild gingivitis.

GASTROINTESTINAL: Soft on abdominal palpation. No masses or pain.

CARDIOVASCULAR: Moderately strong and synchronous femoral pulses. Transient grade 1/6 systolic heart murmur with PMI left thorax. This was auscultated when first sedated, when recovering, no murmur was heard. Likely drug induced from sedation.

RESPIRATORY: Lungs were clear. Normal respiratory effort and character.

MUSCULOSKELETAL: Generalized mildly reduced muscle condition score.

UROGENITAL: Two descended testicles.

LYMPH NODES: Normal size and movable.

COAT-SKIN: Severe matting with urine and fecal matter in the matted fur. Animal's weight prior to shaving was 11.2kg, after shaving 10.5kg, meaning 700 grams of matting and fur were removed. 0.8 cm diameter healing scab identified under the mat on his right thorax. Large pustule on the inside of the right thigh. Moist pyoderma from fecal scalding on the underside of the tail.

**Assessment**

**Problem list**

1. Severely high FAS score
2. Moderate periodontal disease
3. Severe matting with urine and fecal matter
4. Poor body and muscle condition score DDX: malnutrition, malabsorption, internal parasitism, renal disease, liver disease, neoplasia, other

**Immediate recommendations**

- Provide free access to water for every animal in their housing
- Improved ventilation
- Tick preventative medications for every animal in the facility

**Other recommendations**

- Cleaning/disinfection of facility
- Continued upkeep of cleaning/disinfection
- Dental COHAT (complete oral health assessment and treatment) of the black Cocker Spaniel
- Serious consideration of the quality of life of the Wheaton Terrier, is he adoptable? Consider humane euthanasia.



image 1



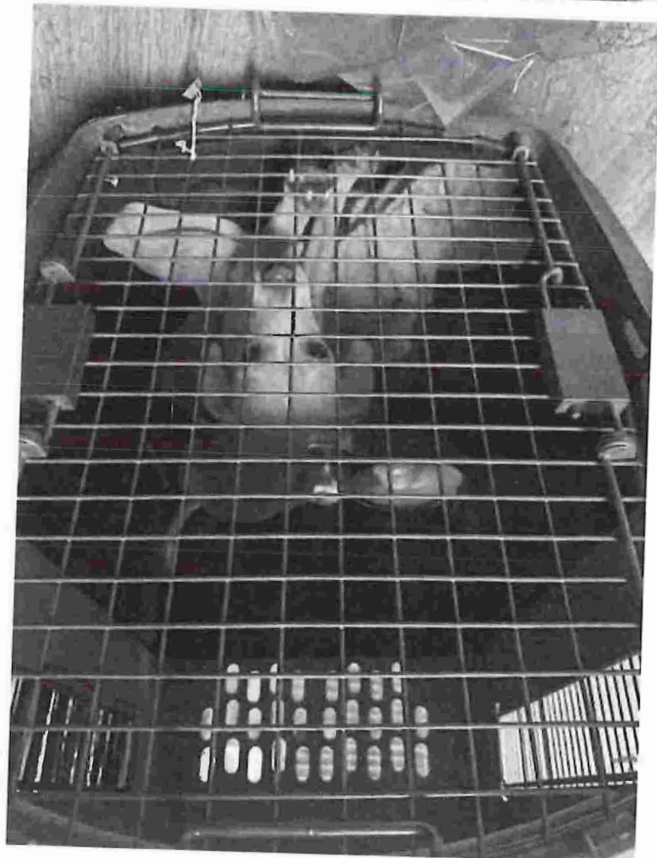


image 2



image 3





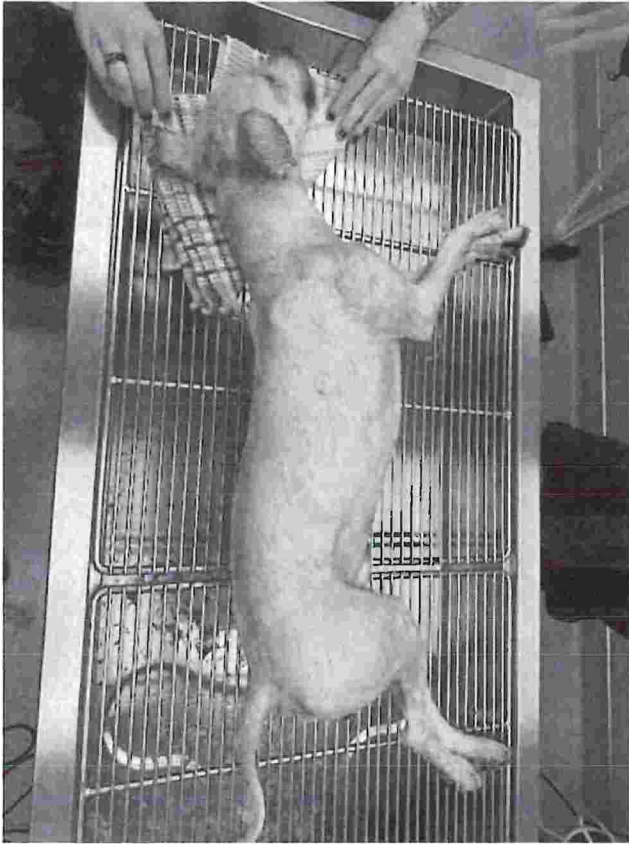


























**Genesis Place**  
800 East Lake Blvd NE  
Airdrie, AB T4A 2K9  
F: 403.948.0604

**City Hall**  
400 Main Street SE  
Airdrie, AB T4B 3C3  
F: 403.948.6567

**Tel: 403.948.8800**  
**1.888.AIRDRIE**  
**airdrie.ca**

**Parks/Public Works**  
23 East Lake Hill NE  
Airdrie, AB T4A 2K3  
F: 403.948.8403

**Municipal Enforcement**  
2 Highland Park Way NE  
Airdrie, AB T4A 0R1  
F: 403.948.0619





# EXHIBIT "H"

This is Exhibit "H" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



# Alberta SPCA Notice of Seizure of Animal

Take notice that on Dec. 5, 2023 at 17:06 a.m./p.m. under  
Date Time

the ANIMAL PROTECTION ACT, the following animal(s) was(were) taken into custody:

FILE 02023- Dec 5 A

**Describe Animals**

Dogs

PEACE OFFICER Karen Stevenson

The animal(s) has(have) been delivered to

NAME	Alberta SPCA
ADDRESS	<u>17904 118 Ave NW</u>
TELEPHONE #	<u>780-203-5155</u>

[Place where animal(s) can be reclaimed]

Pursuant to  Section 3 of of the Act  
 Section 4.1 of the Act

If the animal(s) is(are) not claimed or the payment of expenses not made, the animal(s) may be sold, given away or, in accordance with SECTION 8 of the ANIMAL PROTECTION ACT, destroyed.

Karen Stevenson  
Signature of Peace officer

Cell # 780-203-5155

- Edmonton Office  
(780) 451-2273
- Innisfail Office  
(403) 227-0317
- Okotoks Office  
(403) 938-5570
- Grand Prairie Office  
(780) 513-2670

Call Toll Free: 1-800-455-9003

# EXHIBIT "I"

This is Exhibit "I" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



# Alberta SPCA

## Process to Reclaim Seized Animals

Section 7 of the *Animal Protection Act of Alberta* "the Act"

Our File: 2023-0005A

This notice confirms that **one or more animals were seized by the Alberta SPCA** as described in the attached copy of the **Notice of Seizure of Animal** posted at the former location of the animal(s). The attached **Notice of Seizure** states the reason for the seizure and the Alberta SPCA's authority to do so.

Pursuant to Section 7 of the *Act*, **the Alberta SPCA will be entitled to transfer ownership of these animals to new owners** unless you take all of the following steps **within 10 days of the date of seizure** shown on the attached **Notice of Seizure**:

1. Provide written notice to the Alberta SPCA, in the form of email, fax, or written letter of your intention to reclaim the seized animal(s);
2. Prove your legal ownership of each of the animals listed in the attached Notice of Seizure that you claim to own; and
3. Provide payment to the Alberta SPCA of all expenses claimed by the Alberta SPCA for seizure, transportation, assessment, care, and board of the animal(s) up to the date of reclaiming of the animal(s).

**However**, even if you comply with above steps, **if you have been charged with an offence under the Act**, the **Alberta SPCA may choose to not release some or all of the seized animal(s) to you** while the Alberta SPCA seeks a custody order under Section 13 of the *Act* to protect the animal(s) pending your trial for the offence. No transfer of ownership of the animal(s) under a custody order will be made until your trial is over.

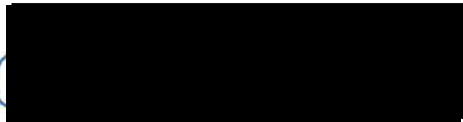
**If you do not comply with the above steps within the 10-day time limit**, any ownership interest you may have in the animals will be ended, and no payment for any value of the animal(s) will be made to you if the costs of seizure, transportation, assessment, care, board, and sale exceed the proceeds of any sale of the animal(s), or if there are no proceeds from sale or other transfer of ownership of the animal(s).

All replies and questions about this notice should be directed to the Peace Officer named below at:

<b>Peace Officer:</b>	Karen Stevenson
<b>Contact #:</b>	780-203-5155

More information regarding seizure and reclaiming of animals, and the provisions of the *Animal Protection Act*, can be viewed at [www.albertaspca.org/seizure](http://www.albertaspca.org/seizure).

**RECEIVED BY THE OWNER/OWNER'S REPRESENTATIVE:**



Trina Demeria                      Trina Demeria                      ( 05 / 12 / 2023 )  
 Print Name                                      Signature & Date                                      D                      M                      Y

Karen Stevenson                      Karen Stevenson                      ( 05 / 12 / 2023 )  
 Processed by Peace Officer (print) Name                      Signature of Peace Officer & Date                                      D                      M                      Y

**Call Toll Free: 1-800-455-9003, Option 1**  
 Fax: 780-451-5927  
 Monday – Friday 8:00 am to 4:30 pm



# EXHIBIT "J"

This is Exhibit "J" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law

### Statement

I, Dr. Kendra MacPherson, am a veterinarian. I am an Alberta Veterinary Medical Association (ABVMA) member in good standing and have been since 2016. ABVMA license #3393. I am employed as a locum small animal veterinarian at the Airdrie Animal Health Centre and other locations in Calgary and area.

I was contacted to be present at the site of Dog "E" Daycare on December 5, 2023. I identified 15 dogs to be in distress at the time requiring immediate removal. 2 required veterinary medical attention.

Since leaving the facility, my opinion on the dogs remaining at the facility has changed. When I was at the facility, I quickly became overwhelmed by the situation, but now I have had time to process what I saw and gather additional information.

It is in my expert opinion as a veterinarian, that those dogs that remain at the site are being subjected to undue hardship. They are being deprived of proper ventilation, water and veterinary care.

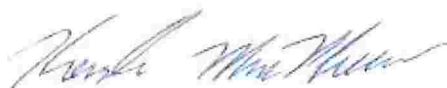
The ammonia levels at the facility were read to be 18ppm. At the time, I was unfamiliar with ammonia measurements. This was measured after a 3 hour period where the facility owner was cleaning and ventilating the area. This means that the levels were much higher before measurement. Chronic levels above 25ppm pose a significant worker and animal health risk.

The video that I reviewed from Officer Brad Tomlinson prior to entering the building showed numerous kennels of dogs without water dishes, or with empty water dishes. It was several hours from reviewing that footage, to entering building and again numerous dogs were still without water dishes in their kennels. Without ready access to fresh water, these dogs will become dehydrated.

A severely matted Wheaten terrier was removed from the facility on December 5. When we performed a sedated shave of this individual, we removed 9 ticks. We submitted photographs of each tick to [www.eticck.ca](http://www.eticck.ca), which is a public platform for image-based identification and population monitoring of ticks in Canada. On December 7 as of 14:00, 6 of the 9 ticks have been identified as Brown Dog Ticks. Brown Dog Ticks have a unique lifestyle, in that they can do their entire lifecycle indoors with dogs as their host. They have been known to infest dog kennels and have likely infested the Dog "E" Daycare facility. Brown Dog Ticks can also spread Ehrlichia which is a tick-borne infectious disease of dogs. These ticks hide in cracks and crevices. The amount of debris and material in that facility will make tick elimination likely impossible without removal of the dogs. All dogs present in the facility should receive tick control medication and testing for Ehrlichia.

The severely matted Wheaten terrier also had a skin infection under the base of the tail due to the fecal matter caught in the matted fur. This required veterinary medical attention. Numerous of the other dogs that remained at the facility had fecal matter on them, especially their feet. Those dogs need to be assessed by a veterinarian for skin infections.

It is in my professional opinion, it is very likely that those dogs continue to be in distress and should be removed from the facility.



Kendra MacPherson

Dec 8, 2023

# EXHIBIT "K"

This is Exhibit "K" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



**Information to Obtain  
a Search Warrant  
Dénonciation en vue d'obtenir un  
mandat de perquisition**

Identifier No. - Police File No.  
N° d'identification - N° du dossier de police  
CEGEN20230008147

Form 1  
Criminal Code  
Section 487

Formule 1  
Code criminel  
Articles 487

Insert full name, residence, and occupation of informant.  
Insérer le nom complet, le domicile et la profession ou l'occupation du dénonciateur.

**THIS IS THE INFORMATION**

of Community Peace Officer Bradley Tomlinson  
de Community Peace Officer Bradley Tomlinson  
name and occupation of informant / nom et profession ou occupation du dénonciateur

of Airdrie Municipal Enforcement of Airdrie  
de Airdrie Municipal Enforcement Airdrie  
name of police service / nom du service de police town, city / ville, cité

in the Province of Alberta, hereinafter called the Informant, taken before me.  
province d'Alberta, ci-après appelé le dénonciateur, portée devant moi.

**THE INFORMANT SAYS THAT**

**LE DÉNONCIATEUR DÉCLARE QUE**

Describe things to be searched for and offence in respect of which search is to be made.  
Décrire les choses à rechercher et l'infraction qui donne lieu à la perquisition.

Multiple dogs, in distress as per the definition of the Animal Protection Act of Alberta, which are in #2-69 East Lake Crescent, Airdrie, AB. It is an offense under section 2(1) of the Animal Protection Act of Alberta to allow an animal to be in distress.

Specify exact location of dwelling, house, office, etc., including complete municipal address or legal / landmark description for rural premises.  
Spécifier l'emplacement exact de l'habitation du bureau, etc., y compris l'adresse municipale complète ou la description officielle/des points de repère pour les lieux ruraux.

and that he has reasonable grounds for believing that the things, or some part of them are in the  
et qu'il a des motifs raisonnables de croire que lesdites choses ou une partie d'entre elles se trouvent dans

Business named EJ Rescue and Dog E daycare Located at #2-69 East lake Crescent, Airdrie, AB.  
complete address and location of dwelling house including apartment no., street no., city or legal/landmark description for rural location.  
adress complète et emplacement de l'habitation y compris le numéro de l'appartement, le numéro de la rue, la ville ou la description officielle/des points de repère pour un emplacement rural

of DEMERIA, Trina Ann of Calgary  
de DEMERIA, Trina Ann Calgary  
name of occupant of premises to be searched, if known / nom de l'occupant des lieux à perquisitionner s'il est connu name of city / nom de la ville

in the Province of Alberta, hereinafter called "the location". province d'Alberta, ci-après appelé "l'emplacement".

Add grounds of belief. Ensure there is an obvious link in these grounds as between the OFFENCE the ITEMS sought and the LOCATION to be searched.

Ajouter les motifs raisonnables. S'assurer qu'il y a un rapport évident dans ces motifs entre L'INFRACTION les ARTICLES recherchés et L'EMPLACEMENT à perquisitionner.

- I, Bradley TOMLINSON, am a Community Peace Officer (CPO) REG#15278, for the City of Airdrie, appointed by the Solicitor General of Alberta, in the Province of Alberta. Under my appointment, I have the authority to enforce the Animal Protection Act. I have been a member of Airdrie Municipal Enforcement since July 2014, I am the department's lead animal investigator, specializing in animal aggression and welfare cases.
- For the past 7 years I have been a secondary instructor for dog aggression and animal welfare training with Maverick Dog Works actively working towards becoming a certified professional dog trainer. Over the past 7 years I have been instructing on these courses to community peace officer agencies across Alberta.
- I personally tend to livestock and domestic animals daily on my farm at home and have in-depth knowledge of tending to several breeds and species and understand the standard of care needed to keep animals. I am familiar with adequate feeding and animal husbandry and can assess body condition scores from previous experience with livestock.
- My experience between both my peace officer career and my farm have familiarized and built my skill and knowledge base in assessing body scores and grading overall health of animals both domestic and livestock.
- In the process of this investigation there are several people Involved and I will introduce those relevant to this application as follows:
  - Veterinarian: DR MACPHARSON, Kendra (DR. MACPHARSON)
  - Alberta Society for the Prevention of Cruelty to Animals (ASPCA) Southern Region Manager, STEVENSON, Karen (ASPCA STEVENSON)
  - ASCPA Director GRAINGER, Andrew (ASPCA DIRECOTR GRAINGER)



6. #2-69 East Lake Crescent, in the City of Airdrie, AB, is the middle business of a three-business commercial building. Trina Ann DEMERIA operates two businesses out of that location; EJ Rescue (a dog rescue and adoption agency) and Dog "E" Daycare (a dog daycare centre).

7. I conducted a CityView database search, Both Dog "E" Daycare and EJ Rescue have been the subject of 21 investigations and complaints to Airdrie Municipal Enforcement for various infractions including animal welfare issues, noise complaints, odour, and licencing issues. These complaints have resulted in charges under our Animal Bylaw, and Business License Bylaw, as well as forwarded complaints to ASPCA.

\*Affiants Comment, CityView is a Officer used database, used to track work files and logs of all investigations.

8. On December 5, 2023, I attended #2-69 East Lake Crescent, in the City of Airdrie, AB, to conduct a business license inspection at Dog "E" Daycare under the Business License Bylaw. This business has not renewed a business license to operate within the city of Airdrie for 2023.

9. City of Airdrie Business License Bylaw: B-52/2005

10. 3.03 The powers and duties of the License Inspector are:

(g) as often as necessary, to inspect all premises licensed or required to be licensed pursuant to the provisions of this Bylaw in order to ascertain that such premises comply with the said provisions.

#### SUMMARY

11. On December 5, 2023, I observed that the business located at #2-69 East Lake Crescent, had the front door open and appeared to be in operation. I was aware from previous complaints the business was unlicensed with the City of Airdrie for the Dog E Daycare. I confirmed the business was operating during that investigation and I developed concerns for animals distressed inside the business. I contacted ASPCA to lead the investigation, RCMP to keep the peace, DR MACPHERSON to provide professional confirmation, an ammonia technician to read the levels inside, and other Airdrie Municipal Enforcement officers to assist in our complimentary role with the investigation. As a result, two people were arrested for obstruction, 15 dogs were seized for immediate medical distress, 30 dog were left behind. However, December 07, 2023 I collected a statement from DR MACPHERSON, stating in her professional opinion, based on the animals in her care that were seized at the time, that the remaining 30 animals are in distress and should be removed from the facility.

#### INVESTIGATIVE DETAILS

12. On December 5, 2023 I attended #2-69 East Lake Crescent at 11:12HRS and observed a large white sign Dog "E" daycare above an open door with an open sign in the window. Upon entry into the building to investigate if the business was still operating, I announced myself, my position and why I was attending to DEMERIA. I confirmed with her that she was operating the daycare.

13. Once I confirmed the business was operating, I asked for documentation of what dogs in the building were belonging to the daycare. DEMERIA, was unable to provide any documentation showing which dogs in the facility were from the daycare or rescue agency.

14. Due to lack of documentation, Trina took me through the facility explaining which dogs were from the daycare or rescue agency.

15. While walking through the facility, I observed the following:

- a. Pronounced odour of ammonia, urine, and feces, the odour was so severe my eyes began to water.
- b. Excessive dog feces and urine in kennels, floor, kitchen, and on the dogs.
- c. Most water and food dishes completely empty and dry, some covered in urine and feces.
- d. Hallways and most open walking areas were obstructed by debris, garbage, fecal matter, miscellaneous items like towels and bags of dog food.
- e. Dogs in distress, covered in feces on legs and face, matted coats, vomit, unresponsive behaviour, lacking ventilation from covered kennels covered by garbage bags full of feces stacked in front of the kennel, around and on top.

16. Based on these observations, I felt these animals were in distress and under undue hardship based

on the living conditions. I immediately contacted ASPCA.

17. Upon arrival of ASPCA OFFICER STEVENSON, I turned over this investigation to their agency and took an assistance role in the investigation.

18. ASPCA OFFICER STEVENSON, conducted re-inspection of the facility with DEMERIA and myself.

19. ASPCA OFFICER STEVENSON, gave instructions to DEMERIA, not to lock the door while she went outside to obtain paperwork. I was already outside of the facility contacting DR MCPHERSON and DEMARIA locked the door, thus not allowing entry back into the business.

20. ASPCA Officer STEVENSON, told me entry would be gained to the business under section 10 (1) of the Animal Protection Act (APA) "a peace officer may without warrant during ordinary business hours enter: (a) any premises, other than a private dwelling house, where animals are kept for sale, hire, or exhibition".

21. I contacted the Royal Canadian Mounted Police (RCMP) and requested they attend to keep the peace, officer arrived shortly after.

22. 12:45pm, at the direction of ASPCA officer STEVENSON, I contacted a local locksmith.

23. At 1:40pm the locksmith arrived on scene began drilling lock, DEMARIA, filming and yelling in door Locksmith expressed that he does not want his company name involved and would not be continuing with the task.

24. I observed DEMARIA continually going back and forth from front of the building to the rear, cleaning the facility with mop and bleach.

25. I contacted a second locksmith who advised there would be long delay before arriving. During the wait, DEMARIA continued to clean the facility.

26. After approximately three hours, locksmith arrived, opened the door and officers began conducting re inspection with the veterinarian.

27. RCMP arrested Demaria, for obstruction as well as an unknown male who arrived on scene shortly before entry. Both people arrested were released across the street and asked to remain there.

28. I had a technician qualified to operate an ammonia detector attend and take readings inside the facility.

29. The maximum noted reading was 17 parts per million. The technician explained that the effect of the water that was present on the floors from her recent cleaning attempts would dilute and reduce ammonia concentrations. The technician further advised it is highly plausible that under a non-altered state the ammonia levels would have reached or exceeded exposure limits for humans which are much larger than dogs. The Technician advised The Time Weighted Average (TWA) exposure limit for Ammonia is 25ppm, and the Short-Term Exposure Limit (STEL), is 35ppm.

30. Upon entry, I noticed the facility had been mopped and bleached several fans were now running and hallways were significantly clearer.

31. I noticed the kennels that were covered in feces had been whiped down and although still in inhumane conditions, they were significantly cleaner than before.

32. Upon conclusion, DR MACPHERSON recommended that 15 dogs would be seized immediately for medical attention and distress and 30 dogs could remain behind.

33. I advised ASPCA as the lead investigators, the remaining 30 dogs were in undue hardship based on the living conditions, ventilation, water, and food observed during initial inspection. Based on my experience as a Peace Officer and knowledge I believe the remaining animals were in distress and undue hardship I relayed my beliefs to the lead investigator.

34. I was advised by ASPCA Officer STEVENSON that she would be going with the recommendation of the veterinarian to only seize 15 dogs that needed immediate attention.



CANADA  
Province of Alberta  
Province d'Alberta

35. ASPCA cleared the scene relieving Airdrie Municipal Enforcement and all other persons involved in the investigation.

36. On December 6, 2023 around 09:30am, I was informed by ASPCA Director GRAINGER via phone call that Dr. MACPHERSON had told the ASPCA, she felt she should have recommended the remaining animals were seized. Numerous brown dog ticks were removed from a dog in her care and based on her medical findings there is high likelihood of brown dog ticks remaining in the facility and spreading Ehrlichia, a tick born infectious disease. This type of tick is known to infest dog kennels.

37. Dr. MACPHERSON asserted in a statement later taken by me that the amount of debris and material found in the facility would make tick elimination likely impossible without the removal of all dogs present.

38. Dr. MACPHERSON also advised in the statement that one dog seized had a skin infection under the base of the tail due to fecal matter caught in the matted fur. This condition requires medical attention by a veterinarian. Numerous dogs that were left at the facility had fecal matter on them, especially their feet.

39. Dr. MACPHERSON advised the dogs left behind need to be assessed by a veterinarian for skin infections.

40. Dr. MACPHERSON advised that in her opinion, as licenced veterinarian in the Province of Alberta, the dogs left behind continue to be in distress and should be removed from the facility as soon as possible.

41. On December 7, 2023, I was informed by my direct supervisor, Brian Rayner that he was in direct contact with ASPCA Director GRAINGER told him that he would like Airdrie Municipal Enforcement to take the lead regarding any investigation related to the health of the remaining dogs. The ASPCA would assist with finding suitable housing for any additional seized animals.

42. On December 8, 2023, I received video from neighboring business, confirming animals still present at the facility as of 3:30pm December 8, 2023. This is a security video that captures both the front and rear entrances to the parking lot and the back alley.

43. On December 8, 2023, I was told by ASPCA officer STEVENSON, via phone call. DEMERIA has until December 19th, 2023, to gain compliance and ASPCA will re inspect facility at which point she may be able to have the seized animals returned to her possession.

44. On December 10, 2023, I received a typed log of information, from neighboring business. This information states dogs heard barking on December 10, 2023 approximately 4pm to 5pm.

#### CONCLUSION

45. As per Section 3 of the Provincial Offenses Procedure Act states that; Except to the extent that they are inconsistent with this Act and subject to the regulations, all provisions in Part XV respecting search warrants, that are applicable in any manner to summary convictions and related proceedings apply in respect of every matter to which this Act applies.

46. In summary, the evidence indicates that there are reasonable grounds to believe, and I do believe, that there are multiple dogs in distress at #2-69 East Lake Crescent, Airdrie, AB.

47. The Informant respectfully requests a warrant to search the business located at #2-69 East Lake Crescent, Airdrie, AB. with the assistance of Royal Canadian Mounted Police, and using as much force as is necessary to enter the residence, and seize the dogs in distress according to the Animal Protection Act of Alberta.

48. I am requesting a period of 12 hours on December 12, 2023 9 am until 9 pm. I am requesting this time frame as significant resources will be required to assist with the search and seizure of numerous animals. These resources are not readily available in the Calgary region.

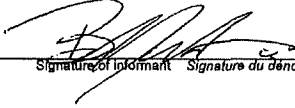


CANADA  
Province of Alberta  
Province d'Alberta


N° d'identification - N° du dossier de police  
CEGEN20230008147

WHEREFORE the Informant prays that a search warrant may be granted to search the said location for the said things.  
*EN CONSÉQUENCE, le dénonciateur demande qu'un mandat de perquisition soit accordé pour perquisitionner dans ledit emplacement en vue de trouver lesdites choses.*

Sworn/Affirmed before me  
*Déclaré sous serment/Affirmé devant moi*

  
Signature of Informant    *Signature du dénonciateur*

on December 11, 2023  
le \_\_\_\_\_  
at Calgary, Alberta.  
à \_\_\_\_\_

  
Judge of the Provincial Court, Justice of the Peace  
In and for the Province of Alberta  
*Juge de la cour provinciale, Juge de paix  
dans et pour la province d'Alberta*

CALGARY  
ALBERTA  
DEC 11 2023  
HEARING  
OFFICE

L. M. MacKay  
Justice of the Peace  
In and for the Province of Alberta



# EXHIBIT "L"

This is Exhibit "L" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



Warrant to Search Mandat de perquisition

Identifier No. - Police File No. N° d'identification - N° du dossier de police CEGEN20230008147

Form 5 Criminal Code Section 487

Formule 5 Code criminel Articles 487

To the Peace Officers in the said Province or to the Aux agents de la paix de la province ou aux Named Public Officers agents de la Couronne nommement désignés

WHEREAS it appears on the oath/affirmation ATTENDU QU'Il appert de la déposition sous serment/déclaration

of Community Peace Officer Bradley Tomlinson de Name of Informant nom du dénonciateur

of Airdrie Municipal Enforcement de Name of Enforcement Agency nom de l'organisme chargé de l'application de la loi

that there are reasonable grounds for believing that qu'il existe des motifs raisonnables de croire que

Describe things to be searched for and offence in respect of which search is to be made. Description should be the same as in the information. Décrire les choses à rechercher et l'infraction au sujet de laquelle la perquisition doit être faite. La description doit être la même que dans la dénonciation.

Multiple dogs in distress as per the definition of the Animal Protection Act of Alberta, is in the Business named Ej Rescue and Dog E Daycare located at #2-69 EAST LAKE CRESCENT, AIRDRIE, AB. It is an offense under section 2(1) of the Animal Protection Act of Alberta to allow an animal to be in distress.

Specify exact location for search re: dwelling, house, office, etc., including complete municipal address or legal / landmark description for rural premises. Description should be the same as in the information. Spécifier l'emplacement exact de la perquisition: habitation, bureau, etc., y compris l'adresse municipale complète ou la description officielle/des points de repère pour les lieux ruraux. La description devrait être la même que dans la dénonciation.

are in Business se trouvent dans Specify type of premises i.e. dwelling house, garage, office, etc. Spécifier le genre de lieu: habitation, garage, bureau, etc.

at Business named EJ Rescue and Dog E daycare Located at #2-69 East lake Crescent, Airdrie, AB. complete address and location of dwelling house including apartment no., street no., city or legal/landmark description for rural location. à adress complète et emplacement de l'habitation y compris le numéro de l'appartement, le numéro de la rue, la ville ou la description officielle/des points de repère s'il s'agit d'un emplacement rural

hereinafter called "the location". ci-après appelé "l'emplacement".

THIS IS THEREFORE to authorize and require you between the hours of À CES CAUSES, LES PRÉSENTES ONT POUR OBJET de vous autoriser et obliger à entrer, entre les heures de

December 12th, 2023 between the hours of 9:00am to 9:00pm Specify dates/period during which execution may be made, if so limited Spécifier les dates/la période pendant laquelle l'exécution peut avoir lieu, si elle est limitée dans le temps

As the Justice may direct Selon que le Juge de paix l'indique.

to enter into said location and to search for the said things and bring them before me or some other Judge or Justice. dans ledit emplacement et de rechercher lesdites choses et de les apporter devant moi ou devant tout autre juge ou Juge de paix.

DATED Dec 11, 2023 FAIT le Calgary, Alberta.

Judge of the Provincial Court, Justice of the Peace In and for the Province of Alberta Juge de la cour provinciale, Juge de paix dans et pour la province d'Alberta

Justice S.E. Pepper Alberta Court of Justice

# EXHIBIT "M"

This is Exhibit "M" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



### Animal Transfer Admission Form

Transferring Organization: Atwater Municipal Enforcement  
 Bill to (If different from above): \_\_\_\_\_

Date of animal transfer: December 13

1. Type of animal/breed dog mix EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

~~2. Type of animal/breed \_\_\_\_\_ EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_~~

~~3. Type of animal/breed \_\_\_\_\_ EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_~~

~~4. Type of animal/breed \_\_\_\_\_ EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_~~

*I confirm that the above animals were checked for identification and any known owner information was traced. I confirm that the animal is cleared to be transferred to the Edmonton Humane Society. I understand that if an animal does not require a hold, ownership of the animal will immediately transfer to the Edmonton Humane Society. If an animal requires a hold, ownership of the animal will transfer to the Edmonton Humane Society upon the completion of the hold.*

BRAD KIMLISON 403.948.8892 15278  
 Name of admitter Phone Number Officer # (if applicable)  
[Signature] 2023/12/14  
 Signature of admitter Date

<p><b>For Office Use Only:</b>                  Admitting CSR: _____                  Traced microchip/tattoo and entered results in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>                  Indicated animal as rescue animal in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
--





### Animal Transfer Admission Form

Transferring Organization: Airdrie Municipal Enforcement  
 Bill to (if different from above): \_\_\_\_\_

Date of animal transfer: December 13/23.

1. Type of animal/breed dog / poodle EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
2. Type of animal/breed dog / doodle. EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
3. Type of animal/breed dog / yorkshire terrier EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
4. Type of animal/breed dog / dachshund EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

*I confirm that the above animals were checked for identification and any known owner information was traced. I confirm that the animal is cleared to be transferred to the Edmonton Humane Society. I understand that if an animal does not require a hold, ownership of the animal will immediately transfer to the Edmonton Humane Society. If an animal requires a hold, ownership of the animal will transfer to the Edmonton Humane Society upon the completion of the hold.*

BRAD JONLINSON 403.948.8892 15278  
 Name of admitter Phone Number Officer # (if applicable)

[Signature] 2023/12/14  
 Signature of admitter Date

<p><b>For Office Use Only:</b></p> <p>Admitting CSR: _____</p> <p>Traced microchip/tattoo and entered results in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>Indicated animal as rescue animal in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
--



### Animal Transfer Admission Form

Transferring Organization: Airdrie Municipal Enforcement  
 Bill to (if different from above): \_\_\_\_\_

Date of animal transfer: December 13/23

1. Type of animal/breed dog / wheaten terrier EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
2. Type of animal/breed dog / poodle mix EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
3. Type of animal/breed dog / poodle mix EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
4. Type of animal/breed dog / poodle mix EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

*I confirm that the above animals were checked for identification and any known owner information was traced. I confirm that the animal is cleared to be transferred to the Edmonton Humane Society. I understand that if an animal does not require a hold, ownership of the animal will immediately transfer to the Edmonton Humane Society. If an animal requires a hold, ownership of the animal will transfer to the Edmonton Humane Society upon the completion of the hold.*

BRAD JOMINSON      403 948 8892      15278  
 Name of admitter      Phone Number      Officer # (if applicable)

[Signature]      2023/12/14  
 Signature of admitter      Date

**For Office Use Only:**  
 Admitting CSR: \_\_\_\_\_  
 Traced microchip/tattoo and entered results in Shelter Buddy? Yes  No  N/A   
 Indicated animal as rescue animal in Shelter Buddy? Yes  No  N/A



### Animal Transfer Admission Form

Transferring Organization: Airdrie municipal Enforcement  
 Bill to (If different from above): \_\_\_\_\_

Date of animal transfer: December 13/23

1. Type of animal/breed dog / chihuahua EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
2. Type of animal/breed dog / chihuahua EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
3. Type of animal/breed dog / mix EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
4. Type of animal/breed dog / poodle EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

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BRAD TOMLINSON 403 948 8892 15278  
 Name of admitter Phone Number Officer # (if applicable)

[Signature] 2023/12/14  
 Signature of admitter Date

**For Office Use Only:**

Admitting CSR: \_\_\_\_\_

Traced microchip/tattoo and entered results in Shelter Buddy? Yes  No  N/A

Indicated animal as rescue animal in Shelter Buddy? Yes  No  N/A



### Animal Transfer Admission Form

Transferring Organization: Airdrie Municipal Enforcement  
 Bill to (if different from above): \_\_\_\_\_

Date of animal transfer: December 13/23

1. Type of animal/breed dog / chihuahua EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
2. Type of animal/breed dog / doodle EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
3. Type of animal/breed dog / wheaten terrier EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
4. Type of animal/breed dog / fox terrier EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

*I confirm that the above animals were checked for identification and any known owner information was traced. I confirm that the animal is cleared to be transferred to the Edmonton Humane Society. I understand that if an animal does not require a hold, ownership of the animal will immediately transfer to the Edmonton Humane Society. If an animal requires a hold, ownership of the animal will transfer to the Edmonton Humane Society upon the completion of the hold.*

BRAD Tomlinson 403 948 8892 15278  
 Name of admitter Phone Number Officer # (if applicable)

[Signature] 2023/12/14  
 Signature of admitter Date

<p><b>For Office Use Only:</b>                  Admitting CSR: _____                  Traced microchip/tattoo and entered results in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>                  Indicated animal as rescue animal in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
--





### Animal Transfer Admission Form

Transferring Organization: Airdrie Municipal Enforcement

Bill to (If different from above): \_\_\_\_\_

Date of animal transfer: December 13/23

1. Type of animal/breed dog / poodle EHS ID # \_\_\_\_\_

Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No

If the animal was a stray, where was it found? \_\_\_\_\_

Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_

Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
2. Type of animal/breed dog / terrier EHS ID # \_\_\_\_\_

Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No

If the animal was a stray, where was it found? \_\_\_\_\_

Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_

Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
3. Type of animal/breed dog / Wheaten terrier EHS ID # \_\_\_\_\_

Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No

If the animal was a stray, where was it found? \_\_\_\_\_

Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_

Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
4. Type of animal/breed dog / poodle EHS ID # \_\_\_\_\_

Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No

If the animal was a stray, where was it found? \_\_\_\_\_

Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_

Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

*I confirm that the above animals were checked for identification and any known owner information was traced. I confirm that the animal is cleared to be transferred to the Edmonton Humane Society. I understand that if an animal does not require a hold, ownership of the animal will immediately transfer to the Edmonton Humane Society. If an animal requires a hold, ownership of the animal will transfer to the Edmonton Humane Society upon the completion of the hold.*

BRAD JONKINS 4039488892 15278  
 Name of admitter Phone Number Officer # (if applicable)

[Signature] 2023/12/14  
 Signature of admitter Date

<p><b>For Office Use Only:</b></p> <p>Admitting CSR: _____</p> <p>Traced microchip/tattoo and entered results in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>Indicated animal as rescue animal in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
--



### Animal Transfer Admission Form

Transferring Organization: Airdrie Municipal Enforcement

Bill to (if different from above): \_\_\_\_\_

Date of animal transfer: December 13/2023

1. Type of animal/breed dog / poodle EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
2. Type of animal/breed dog / poodle EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
3. Type of animal/breed dog / french bulldog EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_
  
4. Type of animal/breed dog / mix EHS ID # \_\_\_\_\_  
 Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No   
 If the animal was a stray, where was it found? \_\_\_\_\_  
 Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_  
 Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

*I confirm that the above animals were checked for identification and any known owner information was traced. I confirm that the animal is cleared to be transferred to the Edmonton Humane Society. I understand that if an animal does not require a hold, ownership of the animal will immediately transfer to the Edmonton Humane Society. If an animal requires a hold, ownership of the animal will transfer to the Edmonton Humane Society upon the completion of the hold.*

BRAD TOMLINSON  
 Name of admitter

403 948 8890  
 Phone Number

15278  
 Officer # (if applicable)

[Signature]  
 Signature of admitter

2023/12/14  
 Date

<p><b>For Office Use Only:</b></p> <p>Admitting CSR: _____</p> <p>Traced microchip/tattoo and entered results in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>Indicated animal as rescue animal in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
--



### Animal Transfer Admission Form

Transferring Organization: Airdrie Municipal Enforcement

Bill to (if different from above): \_\_\_\_\_

Date of animal transfer: December 13/2023

1. Type of animal/breed dog / tan colored mix EHS ID # \_\_\_\_\_

Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No

If the animal was a stray, where was it found? \_\_\_\_\_

Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_

Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

2. Type of animal/breed dog / cocker spaniel EHS ID # \_\_\_\_\_

Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No

If the animal was a stray, where was it found? \_\_\_\_\_

Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_

Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

3. Type of animal/breed dog / bulldog EHS ID # \_\_\_\_\_

Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No

If the animal was a stray, where was it found? \_\_\_\_\_

Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_

Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

4. Type of animal/breed dog / bulldog EHS ID # \_\_\_\_\_

Does the animal have ID? Yes  No  Unsure  If yes, has the ID been traced? Yes  No

If the animal was a stray, where was it found? \_\_\_\_\_

Does the animal require a hold? Yes  No  If yes, what is the last day of the hold? \_\_\_\_\_

Has the animal been on a hold? Yes  No  If yes, what day was the hold started? \_\_\_\_\_

*I confirm that the above animals were checked for identification and any known owner information was traced. I confirm that the animal is cleared to be transferred to the Edmonton Humane Society. I understand that if an animal does not require a hold, ownership of the animal will immediately transfer to the Edmonton Humane Society. If an animal requires a hold, ownership of the animal will transfer to the Edmonton Humane Society upon the completion of the hold.*

BRAD TOMLINSON  
Name of admitter

403 948 3892  
Phone Number

15278  
Officer # (if applicable)

[Signature]  
Signature of admitter

2023/12/14  
Date

<p><b>For Office Use Only:</b></p> <p>Admitting CSR: _____</p> <p>Traced microchip/tattoo and entered results in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>Indicated animal as rescue animal in Shelter Buddy? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
--

# EXHIBIT "N"

This is Exhibit "N" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law





CANADA  
PROVINCE OF ALBERTA  
PROVINCE D'ALBERTA

FILE NO. 231156027F1  
POLICE AME # 230008147

INFORMATION  
ON BEHALF OF HIS MAJESTY THE KING

DENONCIATION  
AU NOM DE SA MAJESTE LE ROI

THIS IS THE INFORMATION OF LES PRESENTES CONSTITUENT  
BRAD TOMLINSON, A PEACE OFFICER  
OF AIRDRIE, ALBERTA,  
HEREINAFTER CALLED THE INFORMANT CI-APRES APPELE LE DENONCIATEUR  
THE INFORMANT SAYS THAT HE HAS REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT: LE DENONCIATEUR DECLARE QU'IL A DES MOTIFS RAISONNABLES DE CROIRE ET QU'IL CROIT QUE:

- 01 TRINA ANN DEMARIA (DOB [REDACTED]) OF [REDACTED]  
COUNT 1: ON OR ABOUT DECEMBER 5, 2023 AT OR NEAR AIRDRIE IN THE PROVINCE OF ALBERTA, DID CAUSE AN ANIMAL TO BE IN DISTRESS, CONTRARY TO SECTION 2(1) OF THE ANIMAL PROTECTION ACT ( S )  
COUNT 2: ON OR ABOUT DECEMBER 5, 2023 AT OR NEAR AIRDRIE IN THE PROVINCE OF ALBERTA DID OPERATE A BUSINESS WITHOUT A VALID BUSINESS LICENCE, CONTRARY TO SECTION 4.01 OF AIRDRIE MUNICIPAL BYLAW AIR/B-52/2005.

PURSUANT TO SECTION 508.1 OF THE CRIMINAL CODE I STATE THAT I AM A PEACE OFFICER AND THAT ALL MATTERS CONTAINED IN THIS INFORMATION ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THIS STATEMENT IS DEEMED TO BE A STATEMENT MADE UNDER OATH.

RECEIVED THIS  
RECU CE

DATED ON December, 12, 2023  
FAIT LE

12 DAY OF December, 2023,  
AT Calgary, ALBERTA

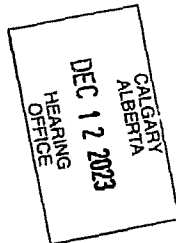
AT AIRDRIE, ALBERTA

JUSTICE OF THE PEACE J. K. Conley  
JUGE DE PAIX Justice of the Peace in and  
for the Province of Alberta

SIGNATURE OF SIGNATURE DU  
INFORMANT DENONCIATEUR

ACCUSED ENDORSEMENTS  
ALL SUMMONS: FEBRUARY 13, 2024, AIR #CMO 09:00 ID: C014575735

ALLEGATIONS CONSIDERED  
SUMMONS TO ISSUE  
RETURNABLE FOR  
February 13, 2023  
ROOM # CMO @ 9:46 AM/PM - 1:00  
OFF: AIRDRIE



J. K. Conley  
J. K. Conley  
Justice of the Peace in and  
for the Province of Alberta

From:

To: Long Information

12/12/2023 13:47

#039 P.001/003



ALBERTA

**Fax Cover Sheet**  
**Request for Justice of the Peace Services**  
Provincial Court of Alberta

Date of Arrest: \_\_\_\_\_

Time of Arrest: \_\_\_\_\_

Date (yyyy-mm-dd): 2023-12-12

Detachment Name: AIRDRIE MUNICIPAL ENFORCEMENT

Detachment/Police File Number: 20230008147

Crown Prosecutor/Presenting Officer's Name: Peace Officer TOMLINSON, Bradley

Crown Direct Phone Number: (include area code) \_\_\_\_\_

Detachment Direct Phone Number: (include area code) 403-948-8892

Detachment Fax Number: (include area code) 403-948-0619

Surname(s) of Accused: (when applicable) DEMARIA

Location of Accused - At Agency: \_\_\_\_\_

Other: 2-69 East Lake Cres. Airdrie, AB

Has any previous application been made regarding matters on this file?

No  Yes (If yes, please explain)

**Application is made for the following: (mark applicable box or boxes)**

**Process**

Fax Swearing of an Information

Spousal:  Yes  No

Issuance of Summons

Allegations attached

Return Date and Location: February 13, 2023 at Airdrie Provincial Court, 112 - 1 Avenue NW, Alberta T4B 0R6

Fingerprint Date: (yyyy-mm-dd) \_\_\_\_\_ at: \_\_\_\_\_

Issuance of Warrant

Allegations attached

Endorsed

Unendorsed (please explain why in allegations)

**Judicial Interim Release Hearing\***

Information (signed and dated)

Summary of Outstanding Warrants (all pages signed and dated)

Warrants attached

List of Outstanding Charges (if any)

Forms of release attached

Probation Orders and/or Conditional Sentence Orders binding the accused (if any)

Orders attached

Criminal Record:

No  Yes

→ Criminal Record, CPIC, and/or JOIN: Attached

→ Acknowledged by Accused:  Yes  No

Yes  No Accused wants to speak to Defence/Duty Counsel

Yes  No Accused has spoken to Defence/Duty Counsel

Yes  No Interpreter required (language): \_\_\_\_\_

Youth - comply with s.26 YCJA: notify parent/guardian of right to participate in bail hearing

Provide names and numbers for parents or counsel who wish to participate by phone

Counsel Name/Number: \_\_\_\_\_

Parent/Guardian Name/Number: \_\_\_\_\_

**Telewarrant**

Search Warrant

Blood Warrant

Warrant to Enter Dwelling House

**EPO**

Apprehension

CYFEA

DECA

Other (describe)

\* Are all your additional pages initialed?  Yes  No

Total pages sent including cover sheet: 3

**Confidentiality Notice**

This communication is intended for the addressee only. It may contain information that is confidential, subject to legal privilege, or both. Further photocopying, disclosure or use of this communication in whole or in part by any other person in any manner is prohibited.

If you have received this FAX in error, please telephone the FAX operator immediately and destroy the entire document. Please advise our FAX operator as soon as possible if you do not receive all the pages. Thank you.

FAX Operator: Peace Officer TOMLINSON, Bradley

Telephone Number: (include area code) 403-948-8892

CTS2675 (2017/01)

PAGE 1



ALBERTA

**Affidavit of Service of Summons**  
**Affidavit de signification de sommation**

File/Ticket No. N° du dossier  
**CEGEN 20230008147**

I, BRADLEY TOMLINSON  
 Je, \_\_\_\_\_  
(Full Given Names and Surname) (nom et prénoms au complet)  
 of the CITY of AIRDRIE in the Province of Alberta,  
 de la (du) (City, Town, Village) (ville, ville, village) de \_\_\_\_\_, province d'Alberta,  
COMMUNITY PEACE OFFICER  
(Occupation) (profession ou occupation)

MAKE OATH AND SAY/SOLEMNLy AFFIRM AND DECLARE THAT I DID:  
 DÉCLARE SOUS SERMENT/AFFIRME ET DÉCLARE SOLENNELLEMENT QUE J'AI:

1. on DECEMBER 12 2023, at 18:45hrs  
 le \_\_\_\_\_ Date \_\_\_\_\_ à \_\_\_\_\_ time heures

serve TRINA DEMARIA ANN  
 signifié à \_\_\_\_\_  
(Full Given Names and Surname) (nom et prénoms au complet)

the person to whom the endorsed Summons is directed, with the said Summons by:  
 la personne à laquelle la présente sommation s'adresse, ladite sommation:

- (a) delivering a true copy thereof personally to and leaving the same with him (her)  
 en lui en signifiant personnellement une copie conforme et en la lui laissant
- (b) leaving a true copy thereof personally to and leaving the same with him (her)  
 en en remettant pour elle une copie conforme à sa résidence habituelle entre les mains de

TRINA DEMARIA ANN  
(Full Given Names and Surname) (nom et prénoms au complet)

an inmate thereof apparently not under 16 years of age, after making personal inquiries which showed that he (she) could not conveniently be found, said place of abode being located  
 une personne qui l'habite et qui paraît être âgée d'au moins seize ans, après avoir fait des recherches personnelles qui ont révélé qu'elle ne pouvait commodément être trouvée, ladite résidence étant située

at 3500 26 AVE NE  
 à \_\_\_\_\_  
(Local Address) (adresse locale)

of the CITY of CALGARY in the Province of Alberta,  
 de la (du) (City, Town, Village) (ville, ville, village) de \_\_\_\_\_, province d'Alberta,

- 2. THAT at the time of service aforesaid, I exhibited the original of said Summons to the person with whom I left the true copy, I informed that person who the Summons was for and, after I explained the contents thereof to him (her), said person indicated to me that he (she) understood the nature of the said Summons.  
 QU'au moment de la signification, j'ai montré l'original de ladite sommation à la personne entre les mains de laquelle j'ai laissé une copie conforme, j'ai indiqué à cette personne à qui la sommation était destinée et, après lui en avoir expliqué le contenu, ladite personne m'a indiqué qu'elle comprenait la nature de ladite sommation
- 3. THAT on the said copy of the Summons so served by me there was, at the time of such service, endorsed all of the endorsements now appearing upon the original Summons with the exception only of the endorsements contained in this Affidavit.  
 QUE, sur ladite copie de la sommation que j'ai ainsi signifiée, étaient inscrites, au moment de cette signification, toutes les inscriptions telles qu'elles apparaissent maintenant sur l'original de la sommation, à l'exception seulement des inscriptions contenues dans cet affidavit.
- 4. THAT to effect such service I necessarily travelled a distance of 30 kilometers.  
 QU'afin de procéder à cette signification, j'ai dû parcourir un distance de \_\_\_\_\_ kilomètres.
- 5. THAT the costs of such service are itemized as follows:  
 QUE les frais de cette signification sont détaillés de la façon suivante:

SWORN/AFFIRMED before me  
 on DECEMBER 12 2023  
 le \_\_\_\_\_  
 at AIRDRIE, Alberta.  
 à \_\_\_\_\_

IVETA CEBAK JUNE R. 20  
Jubak  
 Justice or other person authorized to administer oaths  
 or to take affidavits  
 Juge de paix ou autre personne autorisée à faire prêter  
 serment ou à recevoir les affidavits

**Crown Disclosure Obligations**  
**Obligations de la Couronne en matière de communication de la preuve**

You have the right to obtain from the Crown, disclosure of the case against you, before you elect mode of trial or enter a plea in this matter.  
 Vous avez le droit d'obtenir, de la Couronne, la communication de la preuve relativement à votre cause avant de choisir le mode d'instruction ou de répondre à l'accusation qui vous concerne.

This disclosure can be obtained through your Counsel or, if you are unrepresented, by writing the office of the local Chief Crown Prosecutor attaching a copy of this release document.  
 Vous pouvez obtenir la communication par l'intermédiaire de votre avocat ou, si personne ne vous représente, en faisant une demande écrite au bureau du procureur chef de votre région, en l'accompagnant d'une copie du présent document.

# EXHIBIT "O"

This is Exhibit "O" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



CEGEN20200001512 – Comments

Icebak 03/26/2020 15:17 HRS

██████████ phoned and advised us that she was a foster for a dog from EJ Rescue. He is shepherd x "Fred" and that he got very sick. She tried to contact the EJ Rescue through Facebook and left many messages. They finally phoned her 5 days later and took the dog from her and said that she is not going get the dog back and that they are going to keep the dog. He is bleeding from nose, coughing, sneezing. ██████████ from EJ Rescue took the dog and told her that she is going to take the dog. C/N is worry that dog is highly contagious and that he will make other dogs sick. She managed to get a phone number for ██████ that apparently he is the owner of the EJ Rescue. ██████████

Brad Tomlinson 03/26/2020 17:20 HRS

I was able to attend the facility I spoke wth the staff member who was about to close I advised I would be doing a welfare check on the animal "Fred" based on a complaint made to our department. I was able to see Fred who is an older dog he had a limp on this back leg and appeared to be overweight. I checked his teeth which were very clean I was advised he was old and that he was taken to Ramsey vet in Calgary. I request a copy of vet record to be e-mailed to me and left my business card with information to be given to Trina tomorrow.

I Advised the staff member I would be inspecting the facility under the APA authority as I was attending during regular business hours and requested she guide me through the rooms, the staff member brought the dog into the back advsing she would just put him away. As I waited a women came in claiming to be the medical foster parent of the dogs and she advised she could shed some light on the situation she advised me that the dog was "10years old" the hip issue came from his previous life in Arizona prior to adoption and the bloody nose was from the adjustment to the mountain air and how dry it is here.

I knocked on the door again the staff member took upwards of 15 minutes to put the animal away and I believe she was scrambling to clean, as we inspected the floors were very wet as she had just gone and sprayed the floors with a cleaner while we waited there were several smeared piles of feces, urine on the floor and miscelanious boxes and towels, dishes etc. the facility was deplorable there appeared to be zero cleaning protocol the facility its self had walls falling apart and nothing appeared to be in any sort of organized order.

Brad Tomlinson 03/26/2020 17:20 HRS

I was able to attend the facility I spoke with the staff member who was about to close I advised I would be doing a welfare check on the animal "Fred" based on a complaint made to our department. I was able to see Fred who is an older dog he had a limp on this back leg and appeared to be overweight. I checked his teeth which were very clean I was advised he was old and that he was taken to Ramsey vet in Calgary. I request a copy of vet record to be e-mailed to me and left my business card with information to be given to Trina tomorrow.

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I knocked on the door again the staff member took upwards of 15 minutes to put the animal away and I believe she was scrambling to clean, as we inspected the floors were very wet as she had just gone and sprayed the floors with a cleaner while we waited there were several smeared piles of feces, urine on the floor and miscellaneous boxes and towels, dishes etc. the facility was deplorable there appeared to be zero cleaning protocol the facility itself had walls falling apart and nothing appeared to be in any sort of organized order.

Brad Tomlinson 03/26/2020 17:20 HRS

I was able to attend the facility I spoke with the staff member who was about to close I advised I would be doing a welfare check on the animal "Fred" based on a complaint made to our department. I was able to see Fred who is an older dog he had a limp on this back leg and appeared to be overweight. I checked his teeth which were very clean I was advised he was old and that he was taken to Ramsey vet in Calgary. I request a copy of vet record to be e-mailed to me and left my business card with information to be given to Trina tomorrow.

I advised the staff member I would be inspecting the facility under the APA authority as I was attending during regular business hours and requested she guide me through the rooms, the staff member brought the dog into the back advising she would just put him away. As I waited a woman came in claiming to be the medical foster parent of the dogs and she advised she could shed some light on the situation she advised me that the dog was "10 years old" the hip issue

came from his previous life in Arizona prior to adoption and the bloody nose was from the adjustment to the mountain air and how dry it is here.

I knocked on the door again the staff member took upwards of 15 minutes to put the animal away and I believe she was scrambling to clean, as we inspected the floors were very wet as she had just gone and sprayed the floors with a cleaner while we waited there were several smeared piles of feces, urine on the floor and miscellaneous boxes and towels, dishes etc. the facility was deplorable there appeared to be zero cleaning protocol the facility its self had walls falling apart and nothing appeared to be in any sort of organized order.

Mkarch 05/06/2020 7:12 HRS File reviewed. MDK.

# EXHIBIT "P"

This is Exhibit "P" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



**20210003778 – Comments**

[Carrie Allen 2021-07-27T12:25:50-06:00] This morning we received a call from [REDACTED] [REDACTED] [REDACTED] of Automotive Lift Repair at 3, 69 East Lake Crescent, reporting that the adjacent business - Dog "E" Daycare, cleans their kennel space and washes all of the dog waste into the alley. He said that the stink of the alley and of the entire building due to the unclean practices of that business, is effecting his business. He asked if we could check on it.

Officer dispatched in person and follow up email sent. CA

[Carlo Margherit 2021-07-28T20:31:35-06:00] Officer attended and complaint is valid. Animal hair on the fence and some solids. the business was informed of the bylaw and will follow it. Notice to be sent out.

[Carlo Margherit 2021-09-05T10:50:29-06:00] Officer attended and clean up is done. NFAR

[Mkarch 2021-09-07T10:14:29-06:00] File reviewed. MDK.

# EXHIBIT "Q"

This is Exhibit "Q" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law

**20220005927 – Comments**

[Jandriuk 2022-10-13T11:56:05-06:00]

Email (attached) from Shannon in Planning re issue with Dog E Daycare washing all the urine and feces into the back alley of their site. I contacted Robin Crosby ( ) re the video and asked if she witnessed the event. She advised Kyle Dunn videoed it yesterday but she was not sure if he witnessed who was doing it. Kyle walked in and she asked him if he saw who was doing it. He advised yes, it was Trina. I advised what I required in the witness statement which will be emailed to him at [autolift@telus.net](mailto:autolift@telus.net)

[Carlo Margherit 2022-10-13T16:41:28-06:00] Officer talked to TRINA the owner of doggy daycare. She claims that a hose sprung a leak and was running for a while. Officer told her that once he gets the statement he will let her know his decision.

[Jandriuk 2022-10-26T15:13:21-06:00]

Kyle Dunn's statement was received via mail. Attached it to file.

[Carlo Margherit 2022-10-26T16:38:16-06:00] Officer reviewed the statement. Officer decided to give a warning to the ACC as her hose does have leak. Officer did inform her to keep the water off and if we get another complaint on water going into the alley tickets will be issued.

[Mkarch 2022-10-27T13:54:33-06:00]

File reviewed. MDK.

# EXHIBIT "R"

This is Exhibit "R" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law



**20220006780 – Comments**

[Carrie Allen @ 11/25/2022 15:18 '15R3']

[redacted] 4 [redacted] from Automotive Lift Repair Inc at 3, 69 East Lake Crescent, sent in an email (attached) reporting that EJ Rescue at 2, 69 East Lake Crescent is not cleaning the area behind the facility. There is dog feces all over again.

The most recent case for this issue at this address is CEGEN20220005927.

Officer dispatched and follow up email sent CA

[Carlo Margherit @ 11/25/2022 18:09 '18R1'] Officer attended and complaint is valid. Pile of dog feces frozen in pile. Officer called the business and they ate trying to clean it up as it melts. Officer did tell them that they need to clean it up daily. Notice to be sent out.

[Jandriuk @ 12/19/2022 12:24 '12R7']

Going through outstanding activities and found this Notice from Nov that was not created. I emailed Carlo (attached) to see if it is still required. He is back on duty on Wednesday.

[Carlo Margherit @ 12/21/2022 7:26 '7R5'] NO Notice to be sent out as it was cleaned up. NFAR

[Mkarch @ 12/21/2022 9:05 '9R1']

File reviewed. MDK.

# EXHIBIT "S"

This is Exhibit "S" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 18<sup>th</sup> day of December, 2023.



A Commissioner for Oaths in and for Alberta

**Jordan Lalonde**  
Student-at-Law

20230000006 – Comments

[Carrie Allen @ 01/03/2023 13:28 '13R5']

[redacted] [redacted] from Automotive Lift Repair Inc at 3, 69 East Lake Crescent, sent in an email (attached) reporting that EJ Rescue at 2, 69 East Lake Crescent is not cleaning and the smell coming from the property is revolting.

The most recent case for this issue at this address is CEPROP20220006780, one month ago.

Officer dispatched by email. CA

[Rik De Langhe @ 01/10/2023 16:24 '16R3'] Found file on dashboard today, was earlier assigned to Steph but had to go on bereavement.

Attended and couldn't see any feces as fencing is all blocked by wood (no visibility on space where they let dogs out). Tried to go in at Dog E daycare. Place was closed.

[Rik De Langhe @ 01/11/2023 9:46 '9R9'] Attended and talked to employee from lift repair. Showed me their bays and it smells like dog feces in both bays. Took pictures off the back and dog feces was there but not a lot. Left blue door notice. Dog E daycare supposed to be open but front is closed. Dogs barking... Looks a bit like Dog E daycare is a front for their dog rescue business...

[Jandriuk @ 01/13/2023 14:53 '14R0']

Email (attached) from [redacted] who believes the smell is from urine. It appears [redacted] has sent a letter to the owner to deal with the smell issues by Jan 19. I emailed [redacted] with the pictures that Rik took.

[Rik De Langhe @ 01/13/2023 16:14 '16R9']

Attended and was following up as e-mail came in. Had a long conversation with complainant about the case. Strong urine smell outside and in their bay (door closed). Recommended that I would follow up on our side and Brad on the other team as he's done a lot of the work in the past.

Video received from dogs in cold weather, very grainy. Difficult to see.

Dogs were unattended as I was present.

[Rik De Langhe @ 01/13/2023 16:19 '16R5'] Notice can be generated as there's more feces in the back then when the original complaint came in.

Called with [REDACTED] from planning regarding the stop order she's working on. They're having a meeting with the owner of dog E daycare to discuss a smell mitigation plan. Other steps are dependent on the outcome of that. She had contact with OHS but they need an employee complaint to act.

[Rik De Langhe @ 02/13/2023 14:11 '14R4'] Attended and dog feces has been cleaned up. Strong smell of feces and urine still present. File concluded

[Mkarch @ 02/13/2023 15:08 '15R3']



Form 49  
[Rule 13.19]

COURT FILE NUMBER 2301-16925

COURT COURT OF KING'S BENCH OF ALBERTA

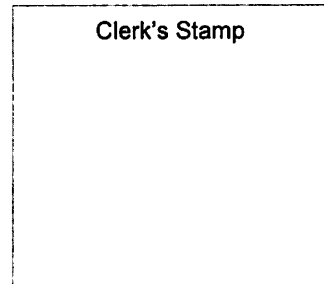
JUDICIAL CENTRE CALGARY

APPLICANT CITY OF AIRDRIE

RESPONDENTS TRINA ANN DEMERIA, 1818622 ALBERTA LTD. operating as DOG "E" DAYCARE and EJ RESCUE FOUNDATION

DOCUMENT AFFIDAVIT

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Field LLP  
400 – 444, 7 Avenue SW  
Calgary, AB T2P 0X8  
T: 587-747-3165  
F: 403-264-7084  
File No. 52649-2  
Attention: Julie Shepherd



**AFFIDAVIT OF BRAD TOMLINSON**  
Sworn on December 21, 2023

I, Brad Tomlinson, of the City of Airdrie, in the Province of Alberta, SWEAR AND SAY THAT:

1. I have personal knowledge of the matters hereinafter deposed to, except where stated to be based upon information and belief.
2. This affidavit is filed in conjunction with my filed Affidavit sworn December 18, 2023 (the "First Affidavit"). I repeat and adopt the evidence contained therein and the definitions used.
3. Here is a brief recap of its content:
  - a. Dog E Daycare has been operating an unlicensed dog daycare centre in Airdrie.
  - b. EJ Rescue, a purported animal rescue, has been operating within the same Property as Dog E Daycare by the same person, Demeria.
  - c. On December 5, 2023, I conducted a business licence inspection of the Property and confirmed that Dog E Daycare was still operating.
  - d. I also observed numerous animals in distress, living in deplorable conditions and without basic necessities.
  - e. That same day, 15 animals requiring immediate medical attention were seized. A warrant to seize another 30 animals was obtained and executed by Airdrie on December 12, 2023.

- f. Charges were subsequently laid against Demeria under the APA. She faces fines of up to \$20,000 and possible restrictions on her ability to have these animals or other animals in the future.
4. On December 18, 2023, Airdrie filed an application under Section 13 of the APA to have the seized animals remain in the custody of the ASPCA and the Edmonton Human Society pending the disposition of the APA charges against Demeria (the "Section 13 Application").
5. The Section 13 Application is scheduled for January 19, 2024.
6. On December 18, 2023, Airdrie filed an emergency injunction to prevent the return of the animals to Demeria pending the determination of the Section 13 Application on its merits.
7. The injunction was heard on December 19, 2023 and an Injunction Order granted by Justice Ashcroft. Attached hereto and marked as Exhibit "A" is a copy of same.

#### Updated Events

8. Since the seizures, Airdrie has received dozens of phone calls from concerned residents who have been fostering other dogs on behalf of EJ Rescue.
9. The fosters have reported to me and other Airdrie staff that Demeria has been calling them and demanding the immediate return of the foster dogs that have been living in their homes.
10. On December 9, 2023, a posting was made to EJ Rescue's Facebook page advertising a puppy for adoption. The EJ Rescue Facebook page is still active at present. Attached hereto and marked as Exhibit "B" are printouts evidencing same.
11. The Dog E Daycare Facebook page is also still posted and states "\*\*First Aid Certified!\* \*Daycare, Boarding, Grooming, Baths, and More!\*". A Google search of Dog E Daycare from yesterday shows that it is still "open". There remains a large Dog "E" Daycare sign on the Property which has been posted throughout all of 2023, and before then. Attached hereto and marked as Exhibit "C" is a printout from the Dog E Daycare Facebook page, the Dog E Daycare Google search results and a picture of the Dog E Daycare sign on the Property.
12. On the day of the second seizure, I confirmed that there was another dog there that day from Dog "E" Daycare.

#### Airdrie Business ByLaw

13. Section 4.01 states that:

No person shall within, or partly within and partly without, the City

(a) carry on or operate any trade, business, or occupation; or

(b) carry on any undertaking or do any act or use

for which a licence is required under the provisions of this Bylaw unless they hold

a valid and subsisting licence to do so issued pursuant to the provisions of this Bylaw.

14. Section 2.01 states that this Bylaw shall apply to any trade, business or occupation that:

(a) is carried on with the intention of making a profit unless said trade, business or occupation provides written proof that they are provide with an exemption under provincial or federal legislation; and

(b) such trade, business or occupation is carried on for a period in excess of seventy-two (72) hours or three (3) days cumulatively throughout the course of the licence period.

15. I personally attended the Property on December 5, 2023 and Demeria confirmed to me that she was operating Dog E Daycare and we found a dog belonging to the Dog E Daycare locked in a car with no food or water. It has since been returned to its owner.

16. Dog E Daycare is the trade name of 181, a registered (although struck) Alberta corporation (see paragraphs 5-6 of my First Affidavit). A dog daycare requires a business licence to operate in Airdrie.

17. Section 4.02 of the Airdrie Business Bylaw states:

Any advertising of businesses, trades or occupations shall be deemed to be prima facie proof of the fact that the person is carrying on or operating any such business, trade or occupation.

18. Dog E Daycare was charged under Section 4.01 of the Business Bylaw for not having a business licence on May 29, 2023 and on June 14, 2023. Dog E Daycare was convicted and has \$1600 in outstanding fines from these two offences alone. Attached hereto and marked as Exhibit "D" are printouts from JOIN evidencing the convictions and fine amounts.

#### **Animal Control Bylaw**

21. Section 4.5 of the Animal Control Bylaw states:

No Person shall own or possess more than three (3) Dogs over the age of 3 months, including Foster Dogs, on any Premises within the City.

22. Section 4.7 includes the following carveout:

This Section does not apply to a legally established: (i) Animal Service, Limited; (ii) Animal Service, General; and (iii) Animal Service, Major, if operating as a commercial business in industrial or rural areas, which has all necessary licenses and permits pursuant to City bylaws.

23. The following definitions appear in Section 2.01:

(a) "Animal Service, Limited" means a development where animals normally considered as Domestic Animals are washed, groomed, and/or trained, but the animals may not be boarded and the development must not have any outside enclosures, pens, runs or exercise areas. Typical uses include veterinary clinics and the retail sales of associated products

(b) "Animal Service, General" means a development for which the principal use is the treatment, day-care, or training of Domestic Animals in an indoor facility and may include the supplementary sale of associated products. Animals may not be boarded, except for the purposes of providing health care, and the development must not have any outside enclosures, pens, runs or exercise areas. Typical uses include veterinary hospitals, animal day-care facilities, and animal shelters.

(c) "Animal Service, Major" means a development for which the principal use is the boarding, kenneling, or impoundment of Domestic Animals in a facility that includes outdoor enclosures, pens, runs and/or exercise areas and may include the supplementary sale of associated products. Typical uses include boarding and breeding kennels.

...

(oo) "Premises" means any dwelling, building and any parcel or lot of real property or a portion thereof; Premises is defined as any dwelling building or lot of property.

24. The dogs I observed at EJ Rescue during the seizures on December 5, 2023 and December 12, 2023 were clearly living there and I have attended the Property on multiple occasions before and observed dozens of dogs that appeared to be boarded on the Property as part of EJ Rescues usual operations. Since EJ Rescue boards animals, the exceptions of Animal Service Limited and Animal Service, General cannot apply.
25. EJ Rescue also does not fall under the Animal Service, Major exception because it is a registered non-profit. It advertises itself on Facebook as a non-profit. Attached hereto and marked as **Exhibit "E"** is a printout of a Google search of EJ Rescue which evidences same. The Animal Service, Major only applies to commercial businesses. If EJ Rescue were a commercial business, it would need to have a business licence, which it does not have.

#### Land Use Bylaw

27. Section 2.3.1 reads:

Control of Development (1) Except as provided in Section 2.3.2 (Developments Not Requiring a Development Permit), no person shall commence a development in the City unless a Development Permit has first been issued pursuant to this Bylaw and the development is in accordance with the terms and conditions of the Development Permit.
28. The term development under the Bylaw is defined as:

Development means: (a) An excavation or stockpile and the creation of either of them; (b) A building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them. (c) A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or; (d) A change in the intensity of use of land or a building or an act done in relation to land or building that results in or is likely to result in a change in the intensity of use of the land or building.
29. I contacted the Airdrie Planning Department and they confirmed that EJ Rescue does not have a Development Permit to operate a dog rescue on the Property. There is an old Development Permit associated with the Property from 2012 that was issued to the former owner of Dog E Daycare. Attached hereto and marked as **Exhibit "E"** is a copy of the Development Permit.
30. I have been advised by Airdrie Planning Department that the Dog E Daycare Development Permit is limited to daycare for animals owned by customers with *occasional* overnight stays. I am further advised by the Airdrie Planning Department that the 24/7 housing of animals owned by Demeria would constitute a change of use and require a new Development Permit. Attached hereto and marked as **Exhibit "F"** is a copy of the Development Permit.



## Municipal Government Act

26. Section 554 of the Municipal Government Act states:

### Injunction

554(1) When

- (a) a structure is being constructed in contravention of an enactment that a municipality is authorized to enforce or a bylaw,
- (b) a contravention of this Act, another enactment that a municipality is authorized to enforce or a bylaw is of a continuing nature, or
- (c) any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by a bylaw,

in addition to any other remedy and penalty imposed by this or any other enactment or a bylaw, the municipality may apply to the Court of King's Bench for an injunction or other order.

(2) The Court may grant or refuse the injunction or other order or may make any other order that in its opinion the justice of the case requires.

27. In addition:

554.1(1) A municipality is entitled to collect lawful costs in all actions and proceedings to which the municipality is a party.

(2) The costs of a municipality in an action or proceeding in which the municipality is a party are not to be disallowed or reduced because the municipality's lawyer in the action or proceeding is an employee of the municipality.

28. The ongoing operations of Dog E Daycare without a business licence is a continuing violation of the Airdrie Business Bylaw. The ongoing operation of EJ Rescue is a continuing violation of the Airdrie Animal Control Bylaw and the Airdrie Land Use Bylaw, B-33/2016.

## Welfare of the additional foster dogs

- 29. I am concerned for the welfare of the foster dogs which Demeria is demanding back from the foster homes in which they are living.
- 30. Based on the number of calls that Airdrie staff have received, we believe that there are dozens of dogs in foster care homes which are now or soon to be back in the hands of Demeria.
- 31. Further, I believe that there is a reasonable likelihood that she will bring those dogs to the Property.
- 31. I fear that not acting now to shut down the unlawful operations of Dog E Daycare and EJ Rescue will result in more dogs being unnecessarily subjected to neglect.

## Requested Relief

- 19. I respectfully swear this application in support of an Order:
  - a. directing that Demeria immediately cease operating Dog E Daycare in Airdrie;
  - b. directing that the operation of Dog E Daycare may only resume if Dog E Daycare obtains a valid and subsisting Airdrie business licence for the applicable licencing period;

- c. directing that Demeria remove all advertising of Dog E Daycare in Airdrie including but not limited to its Facebook page, business page on Google, and the sign on the Property for the duration of time that it remains without a valid and subsisting business licence;
- d. directing Demeria to refrain from operating EJ Rescue on or out of the Property;
- e. directing that no more than 3 dogs over the age of 3 months shall be on the Property at any time for any purpose;
- f. permitting Airdrie to remove any dogs on the Property in excess of 3 over the age of 3 months and to deliver them to the ASPCA or Edmonton Human Society;
- g. enhanced costs of this application.

SWORN BEFORE ME at the City of Calgary in )  
the Province of Alberta, this 21<sup>st</sup> day of )  
December 2023. )



\_\_\_\_\_  
A Commissioner for Oaths in and for Alberta )

**Jordan Lalonde**  
Student-at-Law )



\_\_\_\_\_  
Brad Tomlinson )

# EXHIBIT "A"

This is Exhibit "A" referred to in the  
Affidavit of **Brad Tomlinson**  
Sworn before me this 21<sup>st</sup> day  
of **December** A.D. 2023



---

A Commissioner for Oaths in and for  
Alberta

Jordan Lalonde  
Student-at-Law



Clerk's stamp:

COURT FILE NUMBER: 2301-16925

COURT: COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE: CALGARY

APPLICANT: CITY OF AIRDRIE and BRAD TOMLINSON

RESPONDENTS: TRINA ANN DEMERIA, 1818622 ALBERTA LTD. operating as DOG "E" DAYCARE and EJ RESCUE FOUNDATION

DOCUMENT: **INJUNCTION ORDER PENDING THE HEARING OF THE APPLICATION FOR ANIMAL CUSTODY UNDER THE ANIMAL PROTECTION ACT**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PERSON FILING THIS DOCUMENT: Julie Shepherd  
Field LLP  
400 – 444, 7<sup>th</sup> Avenue SW  
Calgary, AB T2P0X8  
Ph: 587-747-3165 Fax: 403-264-7084  
File No. 52649-2

---

**DATE ON WHICH ORDER WAS PRONOUNCED:** December 19, 2023

**LOCATION OF HEARING OR TRIAL:** Calgary, Alberta

**NAME OF PRESIDING JUSTICE WHO MADE THIS ORDER:** Janice R. Ashcroft

---


UPON THE APPLICATION of the Applicants City of Airdrie and Brad Tomlinson for an Injunction pending the hearing of the Applicants filed Application for an Order for Custody (the "Custody Application") of the animals made pursuant to Section 13 of the Alberta *Animal Protection Act*, RSA 2000, c A-41 (the "Act") and UPON noting that charges have been laid against the Respondent Trina Ann Demeria under Section 2(1) of the Act, and UPON hearing from counsel for the Applicants, counsel from the Respondents, and counsel for the Alberta Society for the Prevention of Cruelty to Animals (the "ASPCA"),

**IT IS HEREBY ORDERED THAT:**

1. The fifteen (15) dogs seized on December 5, 2023 shall remain in the interim custody of the ASPCA until the disposition of the Applicant's Custody Application.
2. The twenty-nine (29) dogs seized on December 13, 2023 shall remain in the interim custody of the Edmonton Human Society until the disposition of the Applicant's Custody Application.




3. This order is without prejudice to the determination of custody in these proceedings.
4. The ASPCA shall not sell, gift, destroy or purchase otherwise dispose of any of the forty-four (44) dogs under Section 7 or Section 8 of the APA without Court Order or the Consent of the Parties.
5. The Respondents shall file any affidavit evidence in response to the Custody Application on or by December 22, 2023 or such date as otherwise agreed between the Parties.
6. The Respondents shall file their application for replevin on or by December 22, 2023.
7. Cross-examination on filed affidavits shall be completed by January 12, 2023.
8. This consent order may be altered by agreement.

  
\_\_\_\_\_  
J.C.K.B.A.

# EXHIBIT "B"

This is Exhibit "B" referred to in the Affidavit of **Brad Tomlinson** Sworn before me this 21<sup>st</sup> day of **December** A.D. 2023




---

A Commissioner for Oaths in and for  
 the Province of Ontario

Jordan Lalonde  
Student-at-Law



EJ Rescue Foundation

# FOSTERING SAVES LIVES

Apply now and help give a home to a dog in need!



## EJ Rescue Foundation

15K likes • 16K followers

Message Like Search

Posts About Mentions Followers Photos Videos More

### Intro

We are a not for profit animal rescue committed to doing our best to give dogs in need a better life

- Page · Nonprofit organization
- Airdrie, AB, Canada, Alberta
- e.rescuecanada@hotmail.com
- e.rescuefoundation
- e.rescuefoundation
- In-store pickup
- Price Range - \$

### Featured

**EJ Rescue Foundation**  
August 12

**FOSTER HOMES NEEDED!**

As with most rescues and shelters across Canada right now, we are at full capacity...

**EJ Rescue Foundation**  
August 30

**Urgent Plea: Hears Needed to Mend**

### Photos

See all photos



### Posts

**EJ Rescue Foundation**  
December 9 at 11:05 AM

Thaddeus can't wait to give you hugs and kisses. This sweet boy just loves to be close and follow you everywhere you go. He's the perfect little sidekick.

SEX: Male  
SIZE: Small - 10lbs  
BIRTHDATE (Approx): 2023. See more

56 31 comments 16 shares

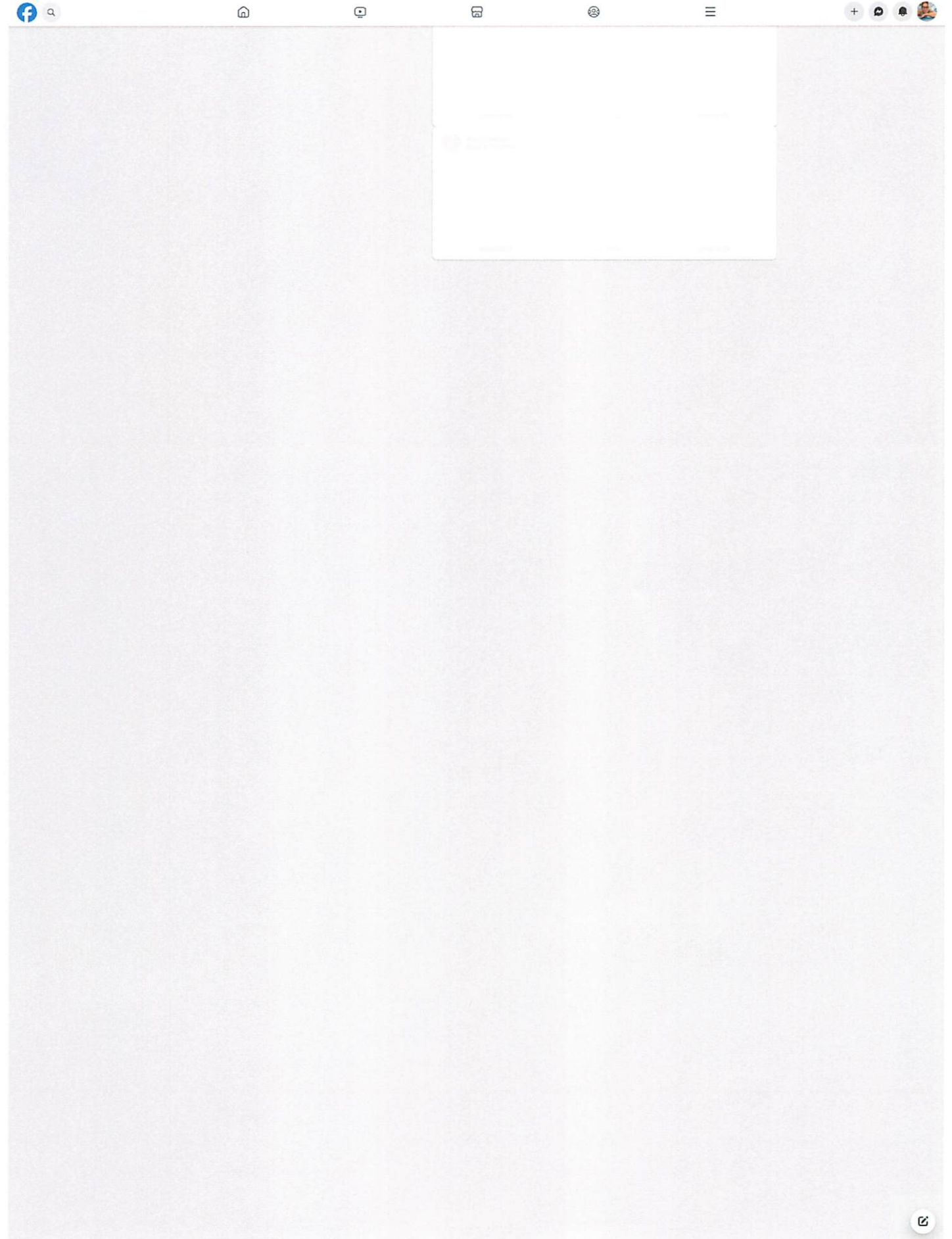
Like Comment Share

View more comments

**Vika Paprika**  
You guys got two stories mixed up together ) Thaddeus and barbs

**EJ Rescue Foundation**  
Vika Paprika thanks for catching our mistake we have corrected it







# EXHIBIT "C"

This is Exhibit "C" referred to in the  
Affidavit of **Brad Tomlinson**  
Sworn before me this 21<sup>st</sup> day  
of **December** A.D. 2023



\_\_\_\_\_  
A Commissioner for Oaths in and for  
the State of

Jordan Lalonde  
Student-at-Law

69

EAST LAKE CRES.

# DOG "E" DAYCARE INC.

587-775-1191



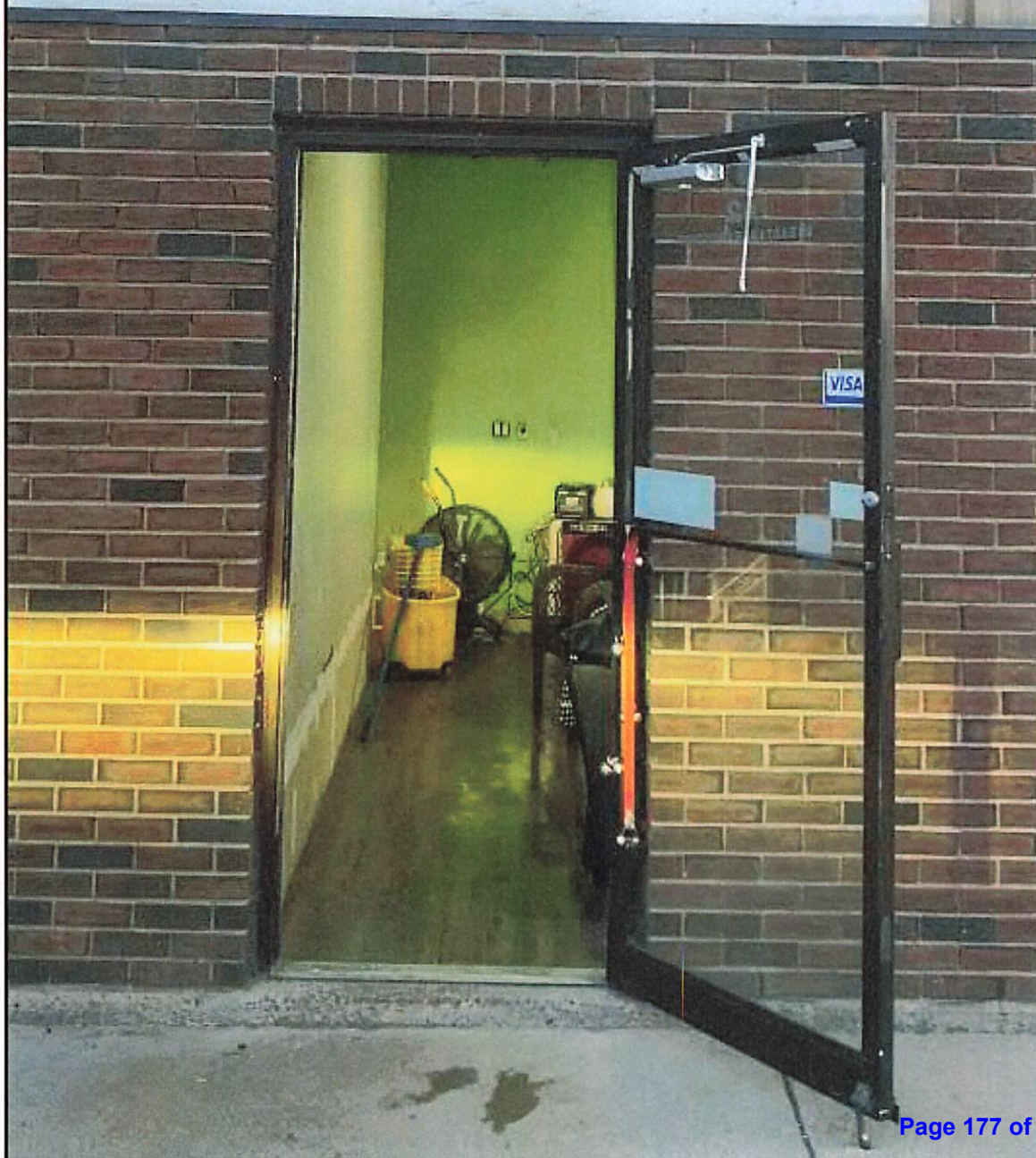
#2 - 69 EAST LAKE CRES. N.E.

AIRDRIE, ALBERTA

T4A 2H6

[www.dogedaycare.net](http://www.dogedaycare.net)

DAY CARE 🐾 BOARDING 🐾 BATHS & MORE



Forgot Account?

Log In

Password

Email or phone



# Dog "E" Daycare

1.8K likes • 1.7K followers



Dog "E" Daycare

January 11, 2022 · 🌐

Last minute grooming appointments available this week!

## Connect with Dog "E" Daycare on Facebook

Log In

or

Create new account



Dog "E" Daycare

Page · Kennel

#2 69 East Lake Cres , Airdrie, AB, Canada, Alberta

(587) 775-1191

dogedaycare@hotmail.com

[dogedaycare.wix.com/dogedaycare](http://dogedaycare.wix.com/dogedaycare)

Open now

Price Range · \$\$

Photos

See all photos



+3

1

3

Like

Comment



April Marie Davis

Is there a size limit for dogs? Pugsley needs a bath and his nails done asap but nobody will help me cause he's so big! 😬

1y

Connect with Dog "E" Daycare on Facebook

Log In

or

Create new account



Grooming can be fun too!!! 🐶



👍 2

1

Like

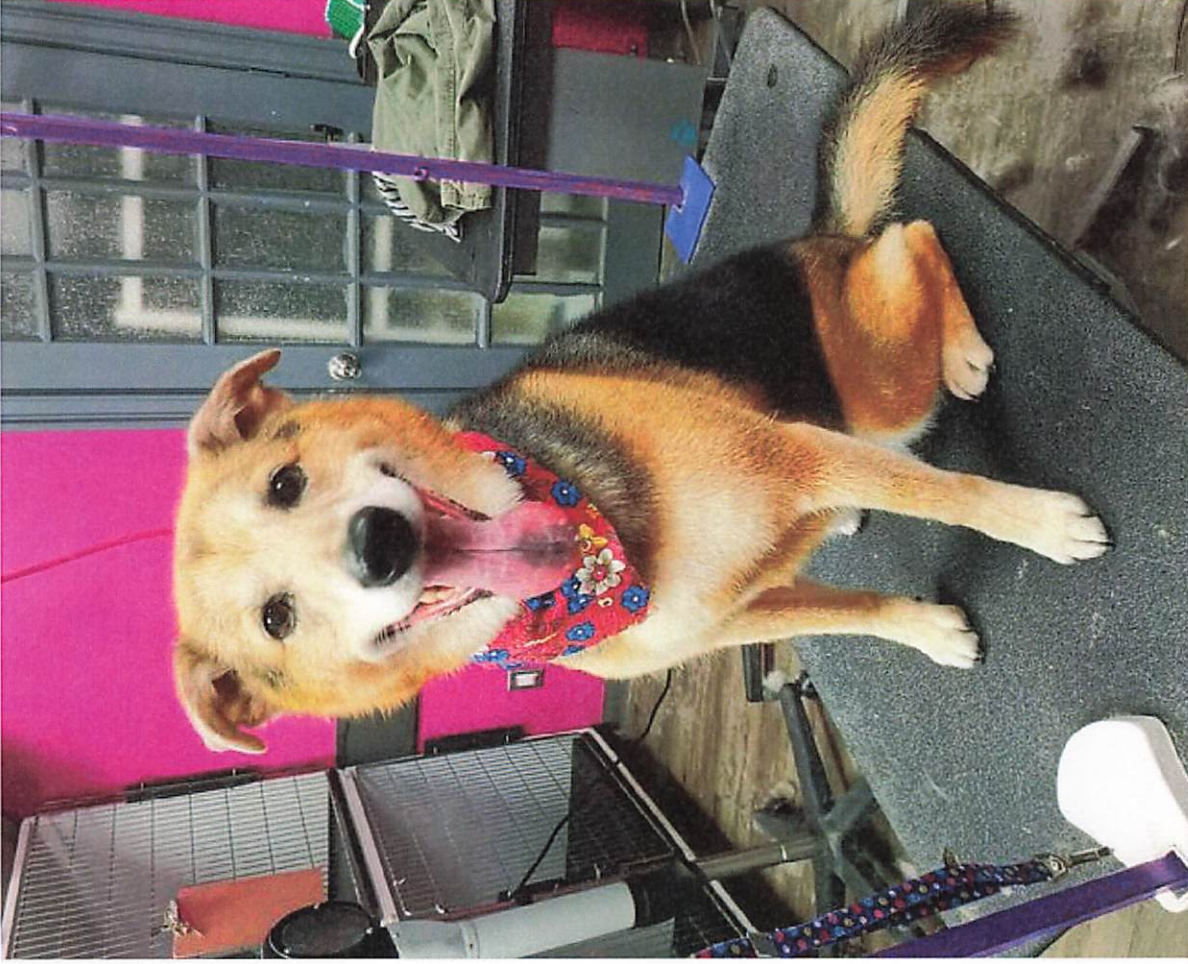
Comment

### Connect with Dog "E" Daycare on Facebook

Log In

or

Create new account



**Connect with Dog "E" Daycare on Facebook**

[Log In](#) or [Create new account](#)

Youngest member of the team was a great help today grooming our westie ❤️ #doggrooming #doggedaycare #bringyourkidtoworkday #westie



👍 5

Like

Comment



Dog "E" Daycare

October 26, 2021 · 🌐

Hello there doggy parents! We have a new groomer joining our team! She is a certified groomer for over 3 years now, but new to grooming in airdrie! We would love to share these new insentives Dog 'E' Daycare are offering and would love to earn your grooming business! 🐾🐾

Attached photos of some of her previous groomings

## Connect with Dog "E" Daycare on Facebook

Log In

or

Create new account



**Dog 'E' Daycare**  
 We got a new groomer!!!  
 +1 587-775-1191  
 message us through our Facebook page "EJ House Canada" and book your appointment!  
 69 East Lake Crescent NE #12  
 Airdrie, AB T4A 4H6

Call now to book your grooming appointment at Dog 'E' Daycare with Shabby!

offering new incentives

- all new dog grooming clients get 10% off their first appointment
- free nail Dremel included for entire month of November 2021

© 2021 Dog 'E' Daycare. All rights reserved. Facebook Member - After Photo



+4

4

2 1

Like

Comment



Vi Dubyna

We are so pleased to see Shelby in Airdrie. Good luck!

2y

View more comments

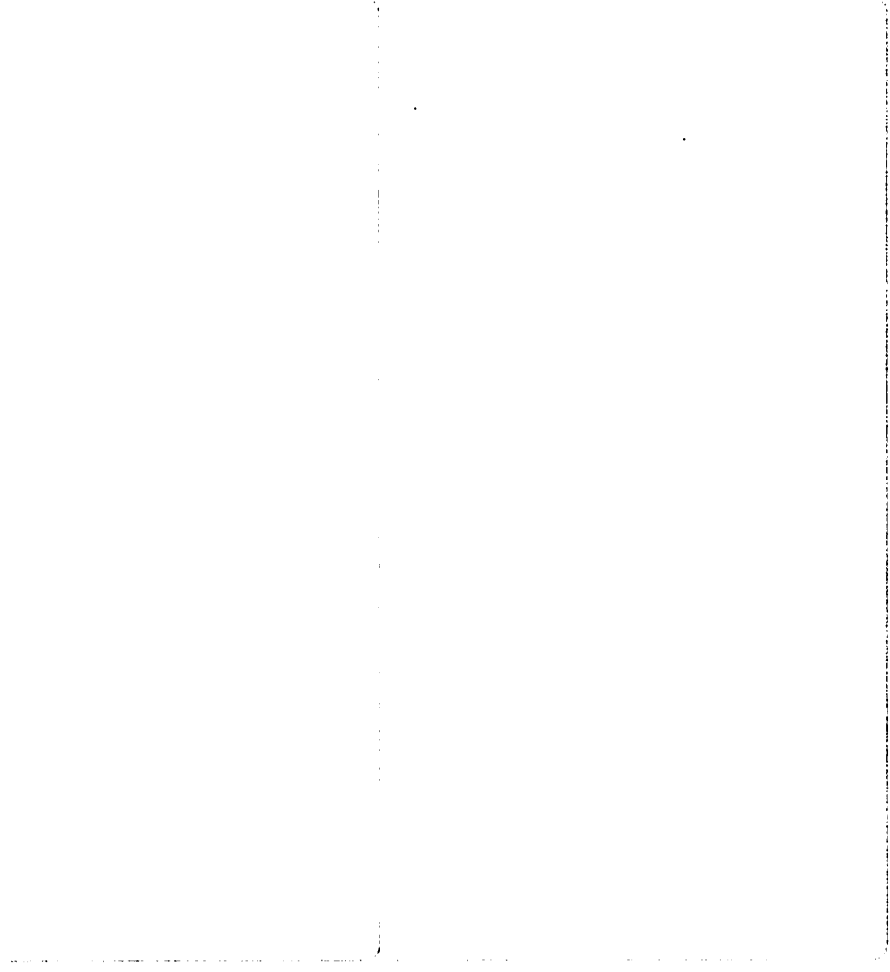
# Connect with Dog "E" Daycare on Facebook

Log In

or

Create new account





**Connect with Dog "E" Daycare on Facebook**

Log In    or    Create new account



Dog E Daycare



All Maps Images Shopping News More

Tools

About 12,700,000 results (0.38 seconds)

Facebook · Dog "E" Daycare · 1.8K+ followers

Dog "E" Daycare | Airdrie AB

Dog "E" Daycare, Airdrie, Alberta. 1813 likes · 116 were here. \*First Aid Certified! \*Daycare, Boarding, Grooming, Baths, and More!



Wix https://dogedaycare.wixsite.com/dogedaycare

Dog"E" Daycare - Boarding and GRRooming

Our "large dog" area has a open plan indoor area with access all day to a back yard. We have caramba beds and couches for when your pup wants to take a nap ...

People also ask :

Is it good for a dog to go to daycare?

Do dogs benefit from doggy daycare?

What are the disadvantages of doggy daycare?

Do dogs like doggie daycare?

Feedback

Better Business Bureau https://www.bbb.org / ... / Airdrie / Dog Daycare

Dog E Daycare | Better Business Bureau® Profile

This organization is not BBB accredited. Dog Daycare in Airdrie, AB. See BBB rating, reviews, complaints, & more.

Yelp https://www.yelp.ca / Yelp / Pets / Dog Daycare



TOP 10 BEST Dog Daycare in Airdrie, AB - December 2023

Top 10 Best Dog Daycare Near Airdrie, Alberta · Dog E Daycare · Airdrie Dog & Pony · Love Your Pet · Airdrie Puppy Pals · Airdrie Puppy Pals · EJ Rescue Canada.

Sign in



SafeSearch



Dog "E" Daycare

3.0 71 Google reviews Dog day care center in Airdrie, Alberta

Directions Save Call

Address: 69 East Lake Crescent NE #2, Airdrie, AB T4A 4H6

Hours: Open · Closes 6 p.m.

Phone: (587) 775-1191

Province: Alberta

Suggest an edit · Own this business?

Add missing information

Add website

Reviews

Google reviews Write a review Add a photo

"Fantastic service, amazing people, open door atmosphere!"

"Fantastic absolutely love Shelby grooming services"

"Police were locked out by the owners today and needed a locksmith to gain entry."

View all Google reviews

Popular Times



**Yelp**  
<https://www.yelp.ca> » biz » yyc-my-best-friend-dog-e-... »

## YYC My Best Friend Dog E Daycare and Boarding

Specialties: Dog daycare and Boarding for dogs Established in 2011. Although we have taken over the location of the former yyc dog daycare and boarding.

**MapQuest**  
<https://www.mapquest.com> » ... » Alberta » Calgary »

## YYC My Best Friend Dog E Daycare and Boarding

YYC My Best Friend Dog E Daycare and Boarding. 4655 54 Ave NE Calgary AB T3J 3Z4. (403) 590-5022. Claim this business · (403) 590-5022. More. Directions.

**X · DogEDaycare**  
80+ followers

## Dog E Daycare

Dog "E" Daycare can fit in last minute grooming appointments for this week! 40% off your first appointment! Image. Dog E Daycare · @DogEDaycare.

**Instagram**  
<https://www.instagram.com> » explore » locations » dog-... »

## Dog "E" Daycare

See photos and videos taken at this location and explore places nearby.

**YellowPages.ca**  
<https://www.yellowpages.ca> » ... » Kennels near me »

## Dog E Daycare - 2-69 East Lake Cres NE, Airdrie, AB

2-69 East Lake Cres NE, Airdrie, AB T4A 2H6 Get directions ». Rate this business. Call. Message. Directions · Website. Add your photos. Location.

## Images :

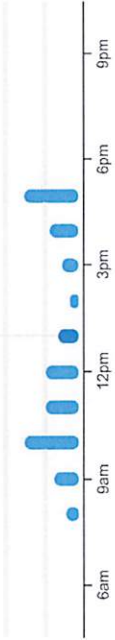


## Related searches :

- 
- 
- 
- 

MON TUE WED THU FRI SAT SUN

1 p.m.: Usually not busy



## Questions & Answers

Be the first to ask a question

Ask a question

## Profiles

Facebook X (Twitter)

## People also search for

- Airdrie Puppy Pals Dog...
- Airdrie Heavenly House Sitting... Pet sitter
- Airdrie Puppy Pals Dog... Dog day care center
- Four On The Floor: Grooming... Pet groomer
- Love Your Pet Animal Care Prof... Dog day care center

Dog e daycare cost

Sponsored

Airdrie Puppy Pals

<https://www.airdriepuppypals.com>

### Airdrie's Best Dog Care - Quality Canine Care

Tailored training programs for **dogs** of all ages and breeds. Airdrie's home for friendly, effective

**dog** training. **Dog** Training.

Private Training · Like us on Facebook · Greatest Impact Award · Follow Us On Tik Tok

Airdrie · 2 locations nearby



Call us

More results ▾



# EXHIBIT "D"

This is Exhibit "D" referred to in the  
Affidavit of **Brad Tomlinson**  
Sworn before me this 21<sup>st</sup> day  
of **December** A.D. 2023



\_\_\_\_\_  
A Commissioner for Oaths in and for  
Alberta

Jordan Lalonde  
Student-at-Law

COA000073

DISPOSED - A9399862R

LOG E DAYCARE

Financial Activity

Case#	Case Description	Amount	Due Date	Payment Type	Payment Status	Payment Date
MBL AIR/852-20054.01	600 00 (Due 2023-08-08)	600 00	2023-08-08	R	PAID	2023-08-09
AIR	CALGARY COURT OF JUSTICE CRIM	100 00				
MBL AIR/852-20054.01	600 00 (Due 2023-08-08)	600 00	2023-08-08	R	PAID	2023-08-09
AIR	CALGARY COURT OF JUSTICE CRIM	100 00				
MBL AIR/852-20054.01	600 00 (Due 2023-08-08)	600 00	2023-08-08	R	PAID	2023-08-09
AIR	CALGARY COURT OF JUSTICE CRIM	100 00				



# EXHIBIT "E"

This is Exhibit "E" referred to in the Affidavit of **Brad Tomlinson** Sworn before me this 21<sup>st</sup> day of **December** A.D. 2023



A Commissioner for Oaths in and for Alberta

Jordan Lalonde  
Student-at-Law





ej rescue



All News Images Maps Shopping More

Tools


SafeSearch



Sign in

About 25,700,000 results (0.27 seconds)

Results for **EJ Rescue Canada / EJ Rescue Foundation, East Lake Cre...** · Choose area

 **Facebook · EJ Rescue Foundation**  
16.8K+ followers

### EJ Rescue Foundation | Airdrie AB

We are a not for profit animal rescue committed to doing our best to give dogs in need a better life. [Follow](#). [Posts](#).

 **CBC**  
<https://www.cbc.ca/calgary/ej-rescue-1.5630648>

### Former staff, volunteers and adopters allege EJ Rescue ...

Jun 29, 2020 — Allegations from several former volunteers and fosters have surfaced against EJ Rescue Canada — a dog rescue in Airdrie, Alta.

 **Facebook · EJ Not a Rescue Foundation**  
890+ followers

### EJ Not a Rescue Foundation

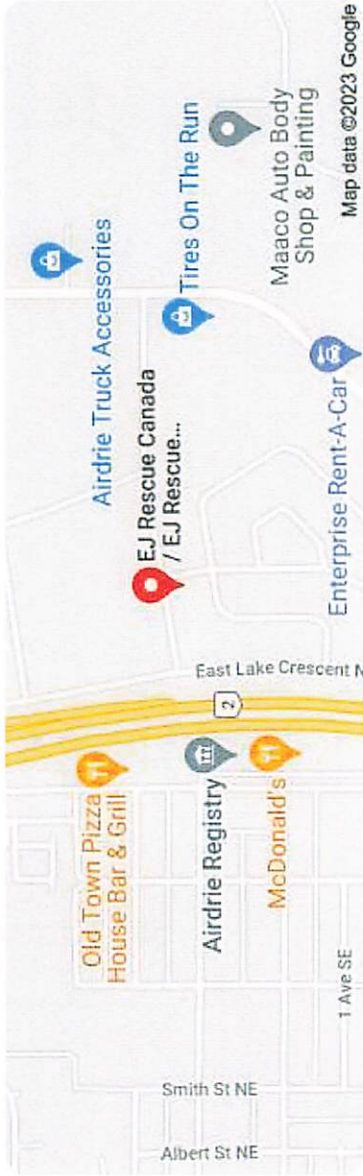
a local animal rescue facility in Airdrie, AB. This facility has repeatedly shown disregard for the well-being of its animals. The environment is filthy, dogs ...

 **Instagram · ejrescuefoundation**  
2.6K+ followers

### EJ Rescue Foundation (@ejrescuefoundation)

Registered Non-Profit Organization You'll never walk alone Adopt, Foster, Volunteer | Forms in Link · Smudge and Kyro are still eagerly awaiting the day ...

Places :



Rating ▾

**EJ Rescue Canada / EJ Rescue Foundation**

3.3 ★★★★★ (352) · Pet adoption service

East Lake Crescent NE

👤 "Great experience adopting our new puppy Brutis."



Directions

**EJ Rescue Foundation**

1.5 ★★★★★ (15) · Non-profit organization

(587) 587-5877



Website



Change.org

<https://www.change.org/shut-down-the-inhumane-a...>

**Shut Down the Inhumane Animal Rescue Facility in Airdrie ...**

Oct 16, 2023 — Our foster from EJ Rescue. They said she was just fat and lazy and she was fine. She's dead now. This is disgusting!! Animal Rescue Under ...

Videos :



Airdrie's EJ Rescue faces charges as 44 dogs seized amid ...

Global News  
5 days ago

Alberta SPCA seizes animals from Airdrie animal rescue ...



Global News  
2 weeks ago

EJ Rescue Foundation | Betty come. Betty sit. Good girl.



Facebook · EJ Rescue Foundation  
Jan 30, 2022

View all →



Airdrie City View

<https://www.airdriecityview.com> › local-news › upda... ⋮

### Update: More dogs seized at EJ Rescue

8 days ago — Twenty-nine more dogs were seized this week from EJ Rescue, a local dog rescue facility, after RCMP searched the property again on Dec.



Global News

<https://globalnews.ca> › news › rest-of-dogs-removed-... ⋮

### Rest of dogs removed from Airdrie animal rescue ...

Dec 12, 2023 — The city said the rescue was not shut down by the municipality. On its Facebook Page, EJ Rescue says it is "committed to doing our best to ...



DiscoverAirdrie

<https://discoverairdrie.com> › articles › more-details-r... ⋮

### More details released on seizure of dogs from Airdrie rescue

8 days ago — The City of Airdrie has confirmed that no more animals remain at the EJ Rescue Foundation's facility in the city's Northeast.



Yelp

<https://www.yelp.ca> › ... › EJ Rescue Canada ⋮

### EJ Rescue Canada - Pet Adoption

Recommended Reviews - EJ Rescue Canada · Map · 2-69 East Lake Road North East. Airdrie, AB T4A 2H6. Directions ...

★☆☆☆☆ Rating: 1.1 · 8 reviews

Related searches :


- Q Ej rescue dogs for adoption
- Q Ej rescue phone number
- Q Ej rescue dogs
- Q Ej rescue cats
- Q Ej rescue reviews
- Q ej rescue airdrie
- Q Ej rescue adoption fee
- Q ej rescue canada

More results 



# EXHIBIT "F"

This is Exhibit "F" referred to in the Affidavit of **Brad Tomlinson** Sworn before me this 21<sup>st</sup> day of **December** A.D. 2023



---

A Commissioner for Oaths in and for Alberta

**Jordan Lalonde**  
Student-at-Law

Brad Tomlinson  
Wed 9:37 AM

Edit

DOG "E" DAYCARE INC.

K

Airdrie, Alberta

Dog "E" Daycare Inc will provide day/evening and occasional overnight care for every breed of dog. Safety for humans and dogs is our number one priority, customers will not come in contact with other dogs in our facility, and all dogs will be screened with thorough background checks before they will be granted access to our dog play rooms. Dogs that have existing or new aggressive behaviours will not be accepted in our facility for the safety of other dogs and staff.

The location we have chosen for Dog "E" Daycare is located in Airdrie, at 69 east lake crescent. The building is 2251 sq ft in total, with a 1440 sq ft fenced in outside area and a 955 sq ft indoor area for the "large breed" dogs (20 lb +). The fence is chain link, we will put "blindens" on the fence for safety of humans and dogs, "dogs on premises" warning signs will also be posted. There is a dog door located at the back of the bay; this will give the large dogs in our care access to our outside play/bathroom area. There is a door and bay door for human access to the outside area. Dogs will be supervised while in the play areas both inside and outside by staff and/or a mounted video camera that will be connected to a television located at the front desk. Dog waste will be picked up and put in a bin immediately. The waste will be removed from the premises weekly and disposed of accordingly, while it is being stored on the location it will be kept in an air tight smell free garbage bin that will be located outside, for hygiene reasons waste will not be stored inside the building. Environmentally and pet friendly chemicals will be used to disinfect floors daily. Environmentally and pet friendly chemicals will not be directly placed on the floor, the chemical will be mixed appropriately and safely with water in a "mop bucket", and all floors will be mopped daily. For safety reasons we have chosen not to use a hose to "hose down" our floors as we fear slips and ice build ups.

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DATE: Sept 20, 2024  
Sharon Landell  
Development Officer

RECEPTION  
AREA

Approx 176 sq ft Hall

OFFICE  
approx 156 sq ft



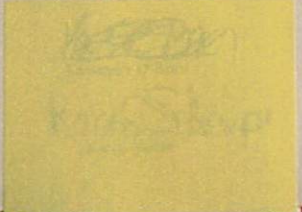


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Director \_\_\_\_\_ e, know that what we have to offer in a business will provide a safe, fun environment for all dog owners in the Airdrie community, regardless of temperament, size, breed, or health restrictions, there will be something at our facility for each and every dog located in the community.

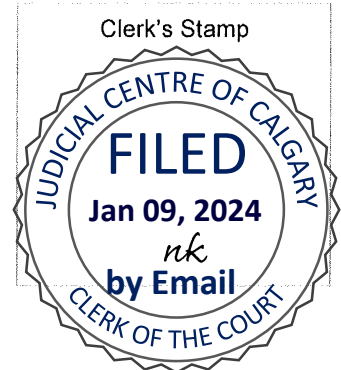


DATE: Sept 20, 2024  
 \_\_\_\_\_

RECEPTION

COURT FILE NUMBER 2301-16925  
COURT COURT OF KING'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
APPLICANT CITY OF AIRDRIE  
RESPONDENTS TRINA ANN DEMERIA, 1818622 ALBERTA LTD. operating as DOG "E" DAYCARE and EJ RESCUE FOUNDATION  
DOCUMENT SUPPLEMENTAL AFFIDAVIT  
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Field LLP  
400 – 444, 7 Avenue SW  
Calgary, AB T2P 0X8  
T: 587-747-3165  
F: 403-264-7084  
File No. 52649-2  
Attention: Julie Shepherd

Form 49  
[Rule 13.19]  
C10574



ECH  
Jan. 10, 2024



**AFFIDAVIT OF BRAD TOMLINSON**

Sworn on January 8, 2024

I, Brad Tomlinson, of the City of Airdrie, in the Province of Alberta, SWEAR AND SAY THAT:

1. I have personal knowledge of the matters hereinafter deposed to, except where stated to be based upon information and belief.
2. This affidavit is filed in conjunction with my Affidavit sworn December 21, 2023.
3. I conferred with Gail Gibeau, Team Leader of Current Planning for the City of Airdrie, who has over twenty years of experience as a Planner including the last seven years with the City of Airdrie, regarding this matter.
4. Ms. Gibeau has informed me that she agrees that EJ Rescue Foundation's operation on the site is in continuing violation of Airdrie's Land Use Bylaw as under the terms of the existing tenancy permit the site is only authorized for the occasional boarding of animals in connection with a "one stop pamper shop" for dogs.
5. A letter from Ms. Gibeau explaining her reasons and a copy of the tenancy permit application materials, the Airdrie planning staff report regarding the application, and the approval documents including the letter of conditions is attached hereto and marked as **Exhibit "A"** to this Affidavit.
6. I am authorized to interpret and enforce the Land Use Bylaw and I agree and adopt Ms. Gibeau's findings.




**Requested Relief**

7. I respectfully swear this application in support of an Order:
- a. directing the Respondents immediately refrain from using the site to operate EJ Rescue Foundation;
  - b. directing that the use of the site by any persons be restricted to the conditional use authorized by the existing tenancy permit until such time as any new development permit with conditions is approved for the site;
  - c. enhanced costs of this application.

SWORN BEFORE ME at the City of Calgary in )  
the Province of Alberta, this 8th day of )  
January 2024. )

  
\_\_\_\_\_)  
A Commissioner for Oaths in and for Alberta )

**Louisa P. McFarland**  
A Commissioner for Oaths  
In and for the Province of Alberta  
My commission expires June 26, 20<sup>24</sup>

  
\_\_\_\_\_)  
Brad Tomlinson

# EXHIBIT "A"

This is Exhibit "A" referred to in the Affidavit of Brad Tomlinson.

Sworn before me this 8<sup>th</sup> day of January, 2024.



A Commissioner for Oaths in and for Alberta

Louisa P. McFarland  
A Commissioner for Oaths  
In and for the Province of Alberta  
My commission expires June 26, 20\_24



January 8, 2024

To Whom it May Concern,

I am the Team Leader of Current Planning at the City of Airdrie (“Airdrie”). I have over twenty years of experience as a Planner including the last seven years with the City of Airdrie.

I have reviewed our records with respect to the site located at 2, 69 East Lake Crescent NE in Airdrie, Alberta, legally described as Unit 2, Plan 8710742.

I confirm the submission of a Tenancy Permit (“TP”) application, also recognized as a development permit, for the above site was submitted by Karen Sharpe and Kassandra O’Brien of Dog “E” Daycare Inc. The application was approved with conditions on September 17, 2012.

The first condition imposed per the letter of approval (Figure 1) states that “This approval applies to the site and uses as indicated on the application form and plans provided and approved. Any changes require a new application” [emphasis added].

The zoning for the site at the time of this application and currently is IB-2 Industrial Employment District, which has permitted and discretionary uses of land. A permitted use means a proposed use of land that is allowed in a specific land use district. A discretionary use means a proposed use of land that can be considered after due consideration by the Development Authority, being Airdrie.

In reviewing the application, a Staff Report (Figure 2) was prepared by Airdrie’s Planning Department. Under the heading Discussion, it indicates that the application is for a kennel and doggie daycare that will “accommodate all sizes of dogs for a ‘one stop pamper shop’ grooming as well as overnight stays”. It cites proposed hours of operation including morning pickup times for dogs which have stayed overnight. There is further reference to a “detailed letter” which has been submitted by Karen Sharpe and Kassandra O’Brien with the application and which outlines all services to be provided on site.

That letter which formed part of the application materials (Figure 3) states at the outset that “Dog ‘E’ Daycare will provide day/evening and *occasional* overnight care for every breed of dog ...” [emphasis added]. Furthermore, that Dog “E” Daycare will be a “one stop pamper stop” and that “[c]ustomers and their pets will be greeted and treated with the up most respect”. In addition, that Dog “E” Daycare wants to “accommodate to the people in Airdrie and surrounding area” and seeks to open at 6:30 am and close at 6:00 pm to “...give our customers time to bring and pick up their dogs safely”.



- 2 -

The City reviewed the TP application under the former Airdrie Land Use Bylaw (B-09/2005) in effect at the time. In the IB-2 District, "Kennel" was listed as a discretionary use that could be considered. The City conditionally approved the use, being discretionary, and according to the plans provided. Condition 1 being that overnight stays would be occasional which was a narrowing of the "Kennel" use and which trumped the definition of "Kennel" in the Land Use Bylaw, which then allowed the "boarding of small animals for periods of greater than 24 hours ..." (Figure 4).

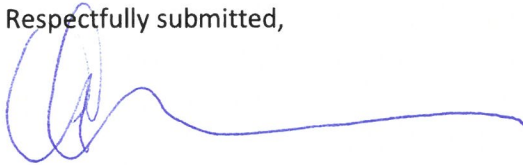
I have been informed by Brad Tomlinson, Peace Officer, that the site is being used to operate an animal rescue called EJ Rescue Foundation. Furthermore, that animals are regularly being boarded on the site, and offered for adoption or sale. This constitutes a substantial change in use and is not permitted within the conditions of the TP which still apply to the site and do not expire. The TP remained in effect after the site was sold to the new owners of Dog "E" Daycare which I understand now operate EJ Rescue Foundation out of the same site.

A new application for a Development Permit, which have replaced TPs as the development approval document, must be submitted to allow for this new use. I have reviewed our records and confirm that no new Development Permit application has been submitted. If such an application is made it will be reviewed pursuant to the current Land Use Bylaw (B-01/2016). Under the current Land Use Bylaw, in the IB-2 District, the boarding of animals may be considered as a discretionary use, under Animal Service Major, and would be subject to conditions. I note that the sale or adoption of animals is not listed as a discretionary use at all (Figure 5).

There is a process for applying for a new Development Permit which is set forth in sections 2.3 and 2.4 of the current Land Use Bylaw. If the application is approved, it still may be subject to conditions. An applicant can appeal a refusal of an application or appeal the conditions imposed on an approval to the Subdivision and Development Authority Board.

EJ Rescue Foundation's use of the site is not permitted under the terms of the TP and is a continuing violation of Airdrie's Land Use Bylaw. Pending the submission and approval of a new Development Permit, the site is not authorized for use of the boarding of animals that occurs on a more than occasional basis and which is not connected to the operation of a "one stop pamper shop".

Respectfully submitted,



---

Gail R. Gibeau RPP, MCIP  
Team Leader, Current Planning  
City of Airdrie

Phone: 403-948-8832  
Email: [planning@airdrie.ca](mailto:planning@airdrie.ca)





September 17, 2012

Karen Sharpe and Cassandra O'Brien  
Dog "E" Daycare Inc



FIGURE 1

Dear Ms. Sharpe & Ms. O'Brien

**Re: Tenancy Permit Application No. 52-12 (TP)**  
U2, Plan 8710742  
2, 69 East Lake Crescent NE - Airdrie, Alberta  
Dog kennel and Daycare

Your Tenancy Permit application for the above noted site was reviewed on September 17, 2012. At that time your application was approved and issued subject to the following conditions:

1. This approval applies to the site and uses as indicated on the application form and plans provided and approved. Any changes require a new application.
2. Five (5) parking stalls must be provided for this tenancy permit. These parking stalls must be marked (line painting) and maintained in accordance with the Land Use Bylaw.

Notifications:

- All other necessary permits and inspections are the responsibility of the applicant (including, but not limited to, Building Permits, Fire Approval) and shall be submitted to the City as required.
- This permit is approved with the understanding that there are no offsite effects.
- It is the owner's responsibility to determine whether the use approved by this Development Permit is, in fact, achievable or whether such use may be constrained or precluded by site conditions including constraints on use resulting from environmental conditions or legislation, or both.

Continued/.....

403.948.8800

1.888.AIRDRIE

www.airdrie.ca

Genesis Place  
800 East Lake Blvd NE  
Airdrie, AB T4A 2K9  
Fax: 403.948.0604

City Hall  
400 Main Street SE  
Airdrie, AB T4B 3C3  
Fax: 403.948.6567

Parks  
15 East Lake Hill NE  
Airdrie, AB T4A 2K3  
Fax: 403.948.3987

Fire Hall/  
Municipal Enforcement  
805 Main Street SW  
Airdrie, AB T4B 3G1  
Fax: 403.948.0619

Public Works  
23 East Lake Hill NE  
Airdrie, AB T2A 2K3  
Fax: 403.948.8403

Page 2

Please note that this approval pertains to site development only. Permits required under the Alberta Building Code and Fire Code will be required. Please contact the Building Department at 403-948-8832 and the Fire Department at 403-948-8880.

Should you have any questions regarding this matter, please do not hesitate to contact the undersigned at 403-948-8800.

Yours truly



Jamie Dugdale  
Team Leader planning

Copy to: Emergency Services  
Building Services

Encs: Approved Plans

**PLANNING DEPARTMENT**

**STAFF REPORT**

<b>Subject:</b>	Tenancy Permit No. 52-12
<b>Date:</b>	September 17, 2012

**Introduction:**

Karen Sharpe & Kassandra O'Brien has applied for a tenancy permit to occupy a bay located at 2, 69 East Lake Crescent NE. The proposed development will be for a kennel/ dog day care

**Application Summary:**

<i>Applicant</i>	Karen Sharpe and Kassandra O'Brien
<i>Owner</i>	1324627 Alberta Inc.
<i>Legal Description</i>	Unit 2 Condo Plan 8710742
<i>Location</i>	2, 69 East Lake Crescent NE
<i>Proposed Use</i>	Kennel
<i>MDP Designation</i>	Industrial
<i>CASP/NSP</i>	N/A
<i>LUB District</i>	IB-2 (Industrial Business Park Two District)
<i>Discretionary Use Category</i>	Section 6-3 (3) Kennel

**Planning Considerations:**

<i>Parking</i>	<p><b>Parking Requirements:</b> Kennel 1 stall per 46 m<sup>2</sup> GFA (209 m<sup>2</sup>) = 5 stalls</p> <p><b>Parking Provided:</b></p> <p>The following are the parking restraints on site:</p>					
	<table border="1"> <thead> <tr> <th>Bay</th> <th>Business</th> <th>Parking Stalls</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Bay	Business	Parking Stalls		
Bay	Business	Parking Stalls				



		Required
1	Electrical & Instrumental Services	4
2	<b>Dog E Daycare</b>	<b>5</b>
3	Auto Lift repair sales, maintenance	3

**Total Required – 12 Parking Stalls**  
**Total Provided –12 Parking Stalls**

All parking requirements are accommodated by the site.

*There are no issues with parking.*

**Discussion:**

Karen Sharpe and Kassandra O’Brien have applied for a tenancy permit for a kennel and doggie day care. They will accommodate all sizes of dogs for a “one stop pamper shop” grooming as well as overnight stays will be available. A detailed letter has been submitted with application of all services the will be available. Hours of operation will be Monday to Friday 6:30am till 6:00pm. Saturday 8:00am to 5:00pm and Sunday pick up for overnight dogs will be 10:00 am till 12:00pm and 4:00pm to 6:00pm. There will be 2 full time employees.

**Recommendation:**

**Tenancy Permit No. 52-12 is approved subject to the following conditions:**

<i>Approved Plans</i>	<ol style="list-style-type: none"> <li>1. This approval applies to the site and uses as indicated on the application form and plans provided and approved. Any changes require a new application.</li> <li>2. A minimum of five (5) parking stalls must be marked and maintained at all times in accordance with the Land Use Bylaw.</li> </ol>
<i>Notations</i>	<ul style="list-style-type: none"> <li>• All other necessary permits and inspections are the responsibility of the applicant (including, but not limited to, Building Permits, Fire Approval) and shall be submitted to the City as required.</li> <li>• This permit is approved with the understanding that there are no offsite effects.</li> <li>• It is the owner’s responsibility to determine whether the</li> </ul>



	<p>use approved by this Development Permit is, in fact, achievable or whether such use may be constrained or precluded by site conditions including constraints on use resulting from environmental conditions or legislation, or both.</p> <ul style="list-style-type: none"><li>• Compliance shall be maintained with the Municipal Government Act (Alberta) and the City of Airdrie Land Use Bylaw No. 09/2005 (copy available at City office), site and elevation plans, and this permit.</li></ul>
--	---



Jamie Dugdale  
Team Leader Planning

Reviewed by:  \_\_\_\_\_



Application for Development Permit  
Tenancy Permit

(Please note: A Business License and Building Permit may also be required)

Applicant: Karen Sharpe, Kassandra O'Brien

Business Name: Doq "E" Daycare Inc.

Mailing Address: [Redacted]

City/Province: Airdrie, Alberta Postal Code: T4A 0H3

Phone: bus 403-397-3236 cell [Redacted] fax [Redacted] e-mail: [Redacted]

Registered Land Owner: \_\_\_\_\_  
(if applicant is other than owner)

Mailing Address: \_\_\_\_\_

City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: (bus) \_\_\_\_\_ cell \_\_\_\_\_ fax \_\_\_\_\_ e-mail \_\_\_\_\_

Legal Description: Lot 02 Block \_\_\_\_\_ Registered Plan No. 8710742

Address of proposed site: 69 east Lake Cres NE Airdrie, AB

Existing Use of Land/Building: N/A - Vacant -

Proposed Use of Land/Building: Doq daycare/Kennel

I do hereby consent to the use of information included in this application for promotional purposes, news, research and/or educational purposes.

Name: Kassandra O'Brien Signature: [Signature] Date: Sept 14/2012

The information on this form is collected under the authority of Section 33 of the Freedom of Information and Protection of Privacy Act and the Land Use Bylaw and is used solely for Planning, Economic Development and Assessment/Taxation purposes. Questions about collection of this information can be directed to the Planning & Development department at 400 Main Street SE, Airdrie, Alberta, T4B 3C3, telephone (403) 948-8848.

For Office Use Only

Permit Number: 52-12 Receipt Number: \_\_\_\_\_

Approved By  DO /  SDAB Date: \_\_\_\_\_

Refused By  DO /  SDAB Date: \_\_\_\_\_

Issue Date: \_\_\_\_\_



See Reverse



## DOG "E" DAYCARE INC.

Karen Sharpe and Cassandra O'Brien

Airdrie, Alberta

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Directors Kassandra O'Brien and Karen Sharpe, know that what we have to offer in a business will provide a safe, fun environment for all dog owners in the Airdrie community, regardless of temperament, size, breed, or health restrictions, there will be something at our facility for each and every dog located in the community.



Kassandra O'Brien



Karen Sharpe





LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0013 735 379 8710742;2 081 091 719

LEGAL DESCRIPTION
CONDOMINIUM PLAN 8710742
UNIT 2
AND 3333 UNDIVIDED ONE TEN THOUSANDTH SHARES IN THE COMMON PROPERTY
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;29;27;10;NE

MUNICIPALITY: CITY OF AIRDRIE

REFERENCE NUMBER: 031 276 469

Table with 5 columns: REGISTRATION, DATE (DMY), REGISTERED OWNER(S) DOCUMENT TYPE, VALUE, CONSIDERATION. Row 1: 081 091 719, 11/03/2008, TRANSFER OF LAND, \$275,000, \$275,000

OWNERS
1324627 ALBERTA INC..
OF #600 5920 MACLEOD TRAIL S
CALGARY
ALBERTA T2H 0K2

ENCUMBRANCES, LIENS & INTERESTS

Table with 3 columns: REGISTRATION NUMBER, DATE (D/M/Y), PARTICULARS. Row 1: 771 147 064, 20/10/1977, ZONING REGULATIONS SUBJECT TO CALGARY INTERNATIONAL AIRPORT ZONING REGULATIONS

( CONTINUED )

\* ADDITIONAL REGISTRATIONS MAY BE SHOWN ON THE CONDOMINIUM ADDITIONAL PLAN SHEET

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN THIS 11 DAY OF SEPTEMBER, 2012 AT 03:46 P.M.

ORDER NUMBER:22029487

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

---

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

**1324627 ALBERTA INC**  
128 Main Street North,  
Airdrie, Alberta  
(403) 660-5203

September 11, 2012

City of Airdrie

Attention: To Whom it May Concern

1324627 Alberta Inc., does hereby authorize Cassandra O'Brien and Karen Sharpe or Dog "E" Daycare Inc to proceed with their due diligence with the City of Airdrie for potential occupancy, as per our conditional lease agreement.

If you have any further questions or require additional information, please do not hesitate to contact us.

Regards,

A handwritten signature in blue ink, appearing to be 'Gordon Westwood', written over a horizontal line.

Authorized Signing Officer  
1324627 ALBERTA INC  
Gordon Westwood

c.c. Cassandra O'Brien and Karen Sharpe

<b>Receipt Number</b>	10330206
<b>GST Registration #</b>	R10692996
<b>Date</b>	9/14/2012

## PAYMENT RECEIPT


**Paid By** K O'BRIEN/K SHARPE

**Notes** TENANCY PERMIT  
69 EAST LAKE CR NE

Payment Type	Roll/Account No.	Description	Amount
General	31	DEVELOPMENT PERMIT	\$250.00

Cash	\$0.00
Cheque	\$0.00
Cheque #	
Debit Card	\$250.00
Other	\$0.00

Subtotal	\$250.00
Taxes	\$0.00
<b>Total</b>	<b>\$250.00</b>



**CITY OF AIRDRIE**  
COMMUNITY & OPPORTUNITY

**Code:** 31

\$ 250.00

---

**Planning Quick Code**

**Address / Notes:**  
69 East Lake Cres.  
Kassie -  
403-397-3236



SCHEDULE 'A.2'

FENCED REAR YARD - 1440 sq'  
SHOP MEZZ - 160 sq'

TOTAL BAY  
APPROX 3251 sq'

SHOP  
APPROX 675 sq'

TENANTS INITIAL  
~~KS~~ KS

LANDLORD INITIAL  
W \_\_\_\_\_



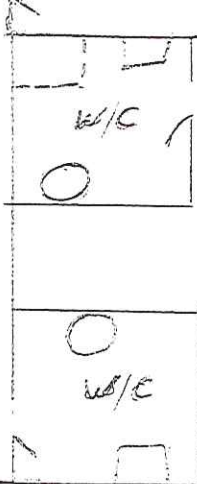
STORAGE w/c

OPEN AREA  
APPROX 280 sq' + w/c

HALL  
APPROX 224 sq'

OPEN AREA  
APPROX 340 sq'

KITCHEN AREA



BOARD ROOM AREA  
APPROX 255 sq' + w/c

**CITY OF AIRDRIE**  
**"APPROVED WITH CONDITIONS"**  
DATE: Sept 20, 2020  
Shannon Campbell  
Development Officer

RECEPTION AREA  
APPROX 176 sq' + HALL

OFFICE  
APPROX 156 sq'



Parking

69 EAST LAKE CRES

Report from Development Authority (Received Oct 10, 2024)

**CITY OF AIRDRIE**  
**"APPROVED WITH CONDITIONS"**  
 DATE: Sept 29, 2012  
Shane Campbell  
 Development Officer

Hand-drawn purple circles containing the letter 'P', indicating parking spaces. One circle contains two 'P's stacked vertically.

Hand-drawn purple circles containing the letter 'P', indicating parking spaces. One circle contains two 'P's stacked vertically.

Automotive  
 Lift Repair

EAST LAKE CRESCENT NE



## **PART SIX      INDUSTRIAL**

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### **Section 6-3      Industrial Business Park Two District (IB-2)**

(1) Purpose and Intent:

The purpose and intent of this District is to provide for light manufacturing, warehousing and service industrial uses that are carried on within the primary building and accessory buildings with limited outside storage. No industrial uses that are likely to become a nuisance by reason of the emission of odour, dust, smoke, gas, fumes, refuse matter, wastes, or water-carried waste; or by reason of vibration; or is likely to create a hazard to persons on the property, are to be carried on in this District.

(2) List of Permitted Uses:

Antenna Structures

(3) List of Discretionary Uses:

Accessory Uses  
Adult Entertainment  
Auction Establishment  
Auto Body and Paint Shop  
Automotive and Equipment Repair  
Automotive Sales  
Bottle Depots  
Bus Depot  
Business Support Services  
Car Rental Facility  
Car Wash  
Cremation and Interment Facility  
Drive Through  
Equipment, Rental  
Equipment, Rental and Sales (Heavy)  
Equipment, Rental and Sales (Light)  
Fitness Centre  
Food and Beverage Processor – Class 1  
Funeral Home  
Garden Centre  
Health Services  
Hotel  
Kennel  
Laboratory

## PART SIX INDUSTRIAL

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Manufactured Home Sales  
Manufacturing – Class 1  
Manufacturing – Class 2  
Modular Home Sales  
Offices  
Public and Quasi Public Buildings, Utilities, Installations and Facilities  
Radio and Television Studio  
Recreation Facilities, Indoor  
Recreation Facilities, Outdoor  
Recreational Vehicle Sales  
Religious Assembly  
Restaurant – Minor  
Retail Liquor Sales  
Schools, Commercial  
Service Station  
Special Function Tent  
Storage and Distribution Centre  
Storage Facility  
Storage Yard, Recreation Vehicles  
Temporary Building  
Veterinary Hospital

(4) General Requirements:

In addition to the general land use provisions contained in Sections 3-1 through 3-4 and 6-1 of this Bylaw, the provisions contained in Sections 6-3(5) through 6-3(8) below shall apply to every development in this District.

(5) Minimum Requirements:

- (a) Area of site:
  - (i) Hotels and motels: 2230 square metres.
  - (ii) All other uses: 1860 square metres.
- (b) Width of site: 30 metres.
- (c) Front yard: 6 metres.
- (d) Side yard: 1.2 metres, except:



## PART SIX INDUSTRIAL

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- (i) None when a firewall is provided and the material would normally require a minimum amount of maintenance, and
  - (ii) On a laneless site, one unobstructed side yard shall be a minimum of 6 metres excluding corner sites with an alternate rear access.
- (e) Side yard (street side of a corner site): 3 metres.
- (f) Rear yard: 6 metres.
- (6) Maximum Limits:
  - (a) Height of buildings:
    - (i) Hotels and motels: 25 metres.
    - (ii) All other sites: 14 metres.
- (7) Design Standards:
  - (a) The design and placement of buildings shall be the subject of Architectural Controls, designed by the developer in conjunction with the Approving Authority, that include, but are not limited to:
    - (i) Building design,
    - (ii) Building interface treatments,
    - (iii) Site lighting,
    - (iv) Outside storage,
    - (v) Landscaping, and
    - (vi) Pedestrian circulation.
- (8) Other Requirements:
  - (a) Parking is to be provided in accordance with Section 3-2 of this Bylaw.
  - (b) Signs are regulated by Section 3-4 of this Bylaw.

## **PART SIX      INDUSTRIAL**

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- (c) Additional general and special setbacks may be required in accordance with Section 3-1 of this Bylaw.

## PART ONE DEFINITIONS

electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings; the Home Occupation shall employ no more than 1 additional person on-site other than a resident of the dwelling; home occupations shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of the residential neighborhood and may include personal service business, instruction, and other similar domestic activities; the business shall not be visible from the exterior of the home;

**Home Occupation, Office** means a home occupation that has no clients coming to the residence, involves no delivery or storage of goods or supplies, no product is produced on site, no parking, noise or other impact on the neighbourhood and no renovations requiring a building permit, and shall not employ any person on-site other than a resident of the dwelling; the business shall not be visible from the exterior of the home;

**Hospital** means the use of a building established for the maintenance, observation, medical and dental care and supervision and skilled nursing care for persons afflicted with or suffering from sickness, disease or injury or for convalescent or chronically ill persons;

**Hostel** means the use of a building operated to provide temporary accommodation to transients for remuneration but does not include additional services such as room service;

**Hotel** means the use of a building for sleeping accommodations provided for a fee on a daily basis, accessible only through a central lobby with on site parking; the building may also contain accessory commercial, and food and beverage service uses;

**Kennel** means the use of a building or portion of a building, the primary purpose of which is the boarding of small animals for periods greater than 24 hours for a fee and does not include **Pet Care, Veterinary Clinic** or **Veterinary Hospital**, and that may provide for the incidental sale of products relating to the services provided by the use and may include outside enclosures, pens, runs or exercise areas;

**Laboratory** means the use of a building, or part of a building for scientific or technical work which may be hazardous, including research, quality control, testing, teaching or analysis; such work may involve the use of chemicals including dangerous goods, pathogens and harmful radiation, or processes including electrical or mechanical work which could be hazardous; the laboratory includes such support areas as instrument and preparation areas, laboratory stores and any offices attached or adjacent to the laboratory; has no clients coming to the facility and does not include **Health Services** as defined in this Bylaw;

**Lodging Home** means the use of a building where accommodation is provided for remuneration, with or without meals to four or more persons exclusive of the occupant and his immediate family on a month to month basis; does not include **Residential Care, Special Care or Bed and Breakfast or Assisted Living Facility**;

**Manufactured Home Park** means a parcel of land under 1 title, which provides spaces for the long-term parking and occupancy of manufactured homes;

**Manufactured Home Sales** means the sale of manufactured homes;

**Manufacturing, Class 1** means the use of a building where materials or



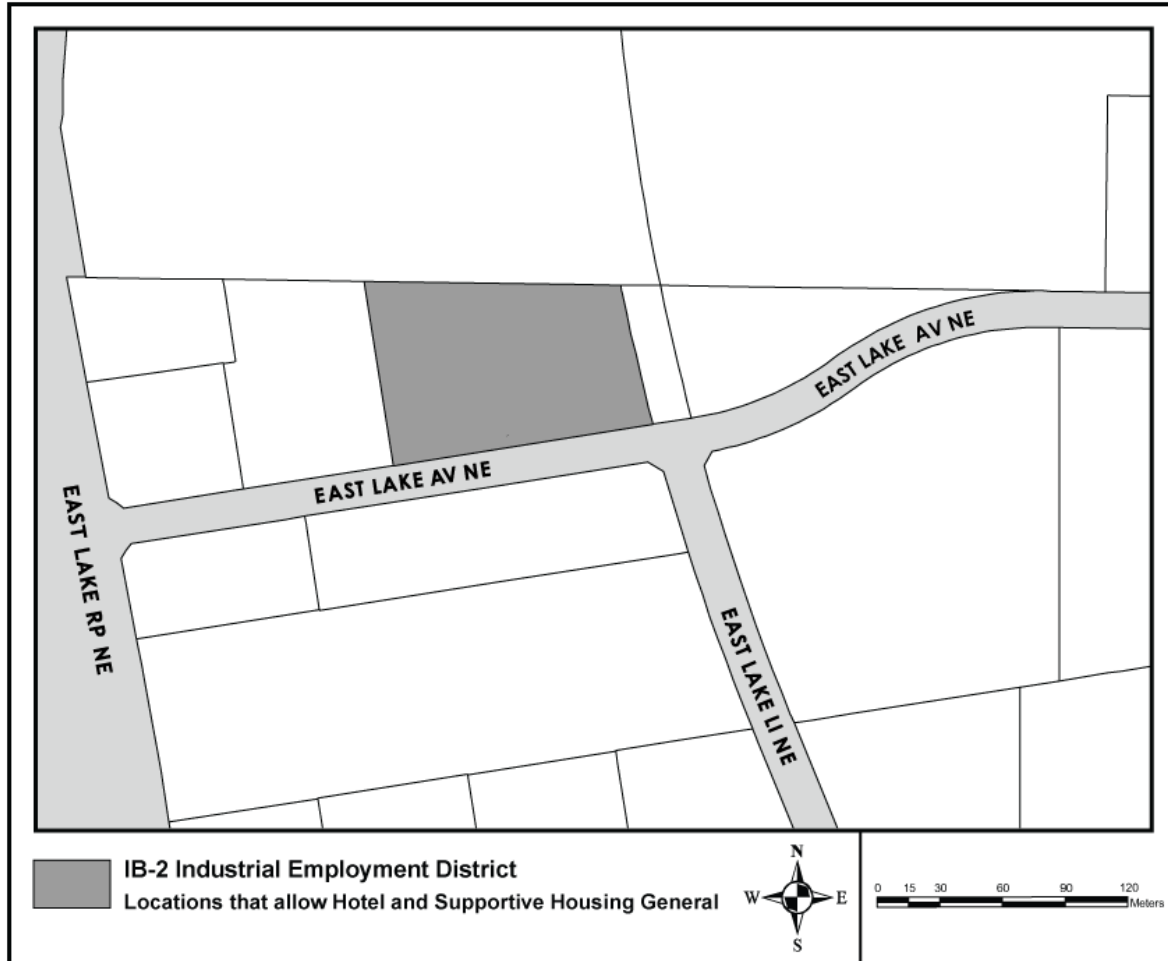


All Other Discretionary Uses	At the discretion of the Development Authority
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**Development Standards**

(1) Signs in this district shall be regulated in accordance with Table S.09

**Diagram 9: Location for Hotel and General Supportive Housing Uses**



[Bylaw B-04/2021](#)

**Animal Service, Limited means:**

A development where animals normally considered as domestic animals are washed, groomed, and/or trained, but the animals may not be boarded and the development must not have any outside enclosures, pens, runs or exercise areas. Typical uses include veterinary clinics and the retail sales of associated products.

**Animal Service, General means:**

A development for which the principal use is the treatment, day-care, or training of domestic animals in an indoor facility, and may include accessory outside enclosures, pens, runs or exercise areas, and the supplementary sale of associated products. Animals may not be boarded, except for the purposes of providing health care. Typical uses include veterinary hospitals, animal day-care facilities, and animal shelters.

[Bylaw B-55/2021](#)

**Animal Service, Major means:**

A development for which the principal use is the boarding, kenneling, or impoundment of domestic animals in a facility that includes outdoor enclosures, pens, runs and/or exercise areas and may include the supplementary sale of associated products. Typical uses include boarding and breeding kennels.

COURT FILE NUMBER       **2301-16925**

COURT                        COURT OF KING'S BENCH OF ALBERTA

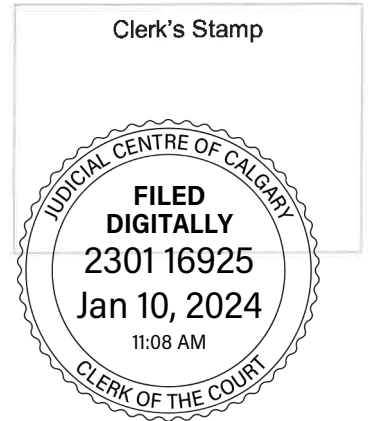
JUDICIAL CENTRE         CALGARY

APPLICANTS                CITY OF AIRDRIE and BRAD TOMLINSON

RESPONDENTS             TRINA ANN DEMERIA, 1818622 ALBERTA LTD. operating as DOG "E" DAYCARE AND EJ RESCUE FOUNDATION

DOCUMENT                 **AFFIDAVIT OF TRINA DEMERIA**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF APPLICANT(S) FILING THIS DOCUMENT        FOSTER LLP  
#2100, 520 – 5th Avenue SW  
Calgary, Alberta T2P 3R7  
Attention: Brendan Miller  
Phone: (403) 261-8471  
Fax: (403) 266-4741  
Email: Bmiller@fosterllp.ca  
File: 450274



I, Trina Demeria, of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY THAT:

1. I am a Director of both EJ Rescue Foundation and Dog "E" Daycare, as well as a Respondent named herein.
2. The Applicant is correct that at the time of their application Dog "E" Daycare did not have a business license. Dog "E" Daycare has however come into compliance by obtaining a business license for 2024. Attached hereto and marked as **Exhibit "A"** is a true copy of the business license for Dog "E" Daycare to operate in the City of Airdrie obtained January 4, 2024.
3. EJ Rescue Foundation is a not-for-profit corporation, and therefore does not require a business license under the City of Airdrie Business License Bylaw. Attached hereto and marked as **Exhibit "B"** is a true copy of the corporate search of EJ Rescue Foundation.
4. I bought the building and land at 69 East Lake Crescent NE in Airdrie, Alberta in 2014. I was told and believed the building and lands had a Development Permit as both a Kennel and Dog Day Care. I understand and believe that my counsel had been in

contact with the City's counsel since this proceeding began trying to get the Development Permit. I however had not seen the actual permit since purchasing the building until yesterday January 9, 2024 when my counsel forwarded me the affidavit of Brad Tomlinson ("Brad") sworn January 8, 2024 and filed January 9, 2024.

5. I note my belief as to what the Development Permit allows is correct, as the Development Permit designates my building as a "dog day care/kennel".
6. I am informed and believe that the use of "Kennel" the Development Permit was issued under the then Land Use Bylaw "means the use of a building or portion of a building, the primary purpose of which is the boarding of small animals for periods greater than 24 hours for a fee and does not include Pet Care, Veterinary Clinic or Veterinary Hospital, and that may provide for the incidental sale of products relating to the services provided by the use and may include outside enclosures, pens, runs or exercise areas".
7. I am informed and believe there is no "dog day care" designation in the former Land Use Bylaw the Development Permit was issued under, but there is for Pet Care Service, and I assume that is what the Development Permit grant. I am informed and believe that the use of "Pet Care Service, means the use of a building or portion of a building to wash, groom, or board small animals during the day and that may have the incidental sale of products relating to the services provided by the use, must not board animals overnight; does not include Kennel, Veterinary Clinic, or Veterinary Hospital". Attached hereto and now shown to me and marked as **Exhibit "C"** are true copies of some of the relevant sections of the Airdrie Land Use Bylaw as of 2008.
8. I do not understand how either of Dog "E" Daycare or EJ Rescue Foundation's operations are outside the uses as permitted by the Development Permit.
9. I have been operating Dog "E" Daycare and EJ Rescue Foundation out of the building in issue since 2014 with the City of Airdrie having full knowledge of same. It has never been alleged before that I did not have the appropriate Development Permit for the building.
10. I have been involved in dog rescue for over 30 years. I was part of multiple rescue groups until becoming a part of EJ Rescue in 2013. I opened Dog E Daycare in May 2014. EJ Rescue started boarding dogs with the daycare in June 2014. In May 2020, EJ Rescue was involved in a transport of dogs from Arizona to the border in Cranbrook. The transport truck was involved in a traffic accident in Idaho. The two drivers and 21 dogs passed away when the truck flipped while going off the road. Since this time the rescue has been a target for heat and challenges. EJ Rescue would usually intake 10 to 20 dogs per month since it started in Canada in 2014.
11. After the 2020 accident these numbers were cut in half due to the negativities towards the rescue. Rescue has never been so difficult. The amount of dogs needing help have tripled, but the adoptions are at the lowest they've ever been. In October 2022, EJ Rescue closed intake for any new dogs. We could not find foster homes for prior dogs obtained in rescue.

12. During COVID, Dog E Daycare lost the majority of its clientele and services were not needed for daycare or boarding. The daycare space allowed for more dogs with the rescue during this time. With adoptions being at an all time low and the business did not have clients. Staffing went from 4 to 2 in December 2022. Then in March 2023, staffing went to 1, just myself.
13. In July 2023 a plea was put out on the Alberta Rescue Network to assist with intake for some of our dogs. No rescue stepped up to help. October 3, 2023 EJ Rescue made a Facebook post stating it needed to have large dogs moved to foster adoption or other rescues or we were facing euthanasia. We could not continue to cover their bills unless they could return to being a business and having less rescue dogs.
14. Dog E Daycare has not had an active phone or email since April 2023. They do not use their webpage or Facebook and provide any updates. The October 5, 2023 post for TUCKER on EJ Rescue Facebook stirred a lot of attention for the rescue. We received many negative, very threatening messages about the post. A petition started by an Yvonne Uttley, who is a vegan and has never had any association with the rescue prior to seeing our post about potential euthanasia for large dogs and boarding with the rescue. October 19, 2023 we had an ASPCA visit with Tom Martin and one of his associates. We passed this inspection like all previous inspections. The prior inspection to this one was completed March 2023, again without any incidents or notations made. People with personal/rescue issues have continually target the rescue. They put pressure on the ASPCA and the city of Airdrie to take action on the rescue. Brad T, with the city of Airdrie became the contact for all those individuals and groups to send him information. He was telling them all he would work with them for the goal to shut down EJ Rescue. Brad is sent pictures/video provided from the neighbouring business Jennifer Brost, Kyle, Dunn and Robin Crosby. Video and pictures are provided to the media were also provided by the same individuals. There has been ongoing issues between the neighbours and the rescue and business.
15. On November 4, 2023 EJ Rescue helped and taking in 28 small breed poodle mixes. They were bath groomed, vaccinated dewormed. Over the next few days multiple rescues helped in taking these dogs in from the facility in Airdrie. The rescue made arrangements for the other rescues to pick them up from us. November 6, 2023, EJ Rescue help by taking more small dogs and berries poison to the rescue. This was the day the matted wheaten that was seized on December 6, came into our care.
16. Ollie came into the rescue on November 6 came into the rescue. . He was heavily matted all over his body. I spent hours and got him fully shaved down bath dewormed and vaccinated.
17. On November 7, 2023 EJ Rescue took one of the new dogs violet to the vet. She came in lethargic no appetite and we were informed she had passed a large clot earlier in the prior day. We had her checked into the vet first thing in the morning. Due to the clot and the potential of Pyro Mitra, or an impacted puppy we had x-rays completed immediately. She was cleared of uterine issues but had a lung infection. She was given medication for this.



### **The Break and Enter by Brad, the RCMP and ASPCA**

18. On December 5 when Brad came to do a license check he was advised the daycare was not operating. The door was only fully open and unlocked because I was loading supplies into the building. The open sign was off. There was no phone number or email working for the daycare. He was told there was no daycare's on site at the time of attendance. Between December 4 into December 5. I stayed at the daycare all night. I was working on re-organizing the daycare. The lobby and hallway were filled with dog food. The food closet in the kitchen was fully emptied and cleared out. this caused there to be an excess amount of expired food and treats, needing to be thrown out. The lobby and hallway were cleared of all the good food and put into the food closet. The groom room closet was emptied so it made that there was excess supplies that were going to be moved to the back of the building. December 9 is garbage pick up date December 11 is dog food donation day always prior to these days. supplies are cleared out to be thrown out if they both occur monthly this cause extra clutter in the hallways and building. All the large dogs were last let out prior to 4 AM. They were fed and watered at this time as well. I left at 4:30 AM until 8 AM. All the small dogs in the building were potty fed and watered last at 2 AM. They were all due to be fed and watered again starting at 9 AM. I left the building at 10 AM to go pick up supplies. The building was out of bleach, garbage bags, etc. the washing machines and dryer in the building were broken. Some laundry was being hand done rinsed and hung to dry. Or it was being bagged and throwing out. This caused large amounts of dirty, laundry and garbage in the building. Rescue had dogs being picked up Friday, Saturday and Sunday. Being extra busy with volunteers in the Rescue, there is always extra laundry and clean up as the volunteers just bath and walk the dogs and do the meetings no cleanup.
19. On December 5 at approximately 11 AM Brad came and did a license check he was told no daycare dogs on site only dogs through rescues. Told him he did not need to tour the building as there was no client dogs on site. I told Brad I needed to get going for a meeting. I was organizing the building and had to do a business meeting at 1 PM. This was with a new potential business partner and business will be being completely redone. Renovations, a new name, and set up. This meeting was not able to occur due to the events that occurred. I now have lost this opportunity. Brad told me he needed to look into the rescue non-for profit license. He left and returned with ASPCA officer Karen Stevenson. Karen came to the building and asked questions about where the small dogs came from. She did not ask about the length of time in rescue, behavior, medical, or any questions related to the dogs well-being. After touring, she said, a warning was being issued for the conditions in the building. She pointed to empty crates that were in the process of being cleaned and said they were not acceptable. Then she said I would get a warning today and tomorrow she would return to seize dogs. When I asked why she would seize the dog she was said it was for the conditions. She then left the building and said she would come back.
20. She came back and said she was bringing the vet back to check the dogs and seize them. She instructed me to leave the door unlocked while she set this up. I told her I needed to make phone calls and I would be locking the door. The ASPCA called in a locksmith. The locksmith began to drill through my locking door. Once I informed him I was filming him, breaking an entering into my building, as they did not have a warrant her stopped. There was no legal paperwork to enter the building. He left, and would not assist with breaking into the building.

21. Around 3:45PM Mike Vervoort was outside my building. And he was telling a new lock Smith that had now arrived he was breaking in entering by going into the building. Mike was more than 6 feet away. The RCMP told him he was interfering with police business and must get off the property. He moved to the neighbouring property, Destinations Cycle. However, two officers ran over and cuffed him and charged with obstruction of justice. around 4 PM.
22. The group of ASPCA officers and Brad successfully broke into my building without a warrant shortly after. I was filming them. I was backing up and off to the side of the door, so I did not get hurt as they entered. A male RCMP officer told me to sit down and stay out of the way. I told him I'm just going to film everything. He then threw me to the ground and told me he is arresting me for obstruction of justice while I was on my face on the ground. He has one arm raised at a 90° angle. He asked me to give him my other arm so he can cuff me. I told him I cannot as it is pinned under me. I couldn't get any traction to move in the position I was in. The floor was also covered in water as the groomer had flooded earlier. The officer told me not to resist arrest. Suddenly another male RCMP is on top of me. He puts his knee on my ribs and then neck and pulled my arm out from under me while doing so crushing my ribs and throat. He then banged my head on the desk repeatedly while getting me in position to be cuffed. I could not stand on my own. I was allowed to sit for a bit as I was dizzy and could not see straight. I was then taken to an RCMP vehicle. Another officer was there and told me I am being charged with resisting arrest and obstruction of justice. I asked how I could resist arrest when I was already laying on the ground. I told him I was just unable to get my arm out from under me. I ended up only being charged with obstruction of justice. EMS was called to the scene as I felt very dizzy and head pain and no feeling on my right side. They wanted to transport and admit me to hospital. I declined as I wanted to stay with my dogs and the business. I was charged and released around 5 PM. I was not allowed back into my building or even on my property, or so I was told. Around 5:15PM Karen came to tell me they are seizing only 15 dogs, and two dogs to get further vet checks. Which was a Wheaten name Joe because he was matted and Toria a Boston terrier for vomiting.
23. At 6 PM an adopter comes to pick up her dog she was adopting. Coco is a poodle and was located in the front room called the Zen room, which is Green of the daycare. She was cleared to be allowed to leave the building. Tom from the ASPCA got approval from the vet and Karen that Coco could leave the building. Alisa Jones entered the building and retrieved Coco. She was adopted by Lori And left that night. Coco was not covered in faeces as noted by the vet in her report. No bath was required prior to giving her to the adopter. Dr. McPherson requested two dogs to attend the vet for medical distress. The Boston terrier was cleared and has already been returned to her owner December 20. The wheaten terrier came into the rescue in November 6. He was booked with the Rescue vet for January 9 for shave, neuter and all three vaccines. I was never asked any information on this dog prior to it being seized to know that care is being denied for the animals.

The December 11, 2023 Warrant

24. On December 11, 2023 I understand and believe that Brad, notwithstanding what had already happened, went and got a warrant to search the building again and seize the remainder of the dogs. When the warrant was executed I cooperated fully.

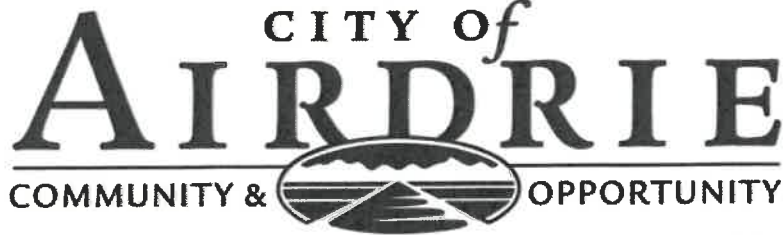
SWORN BEFORE ME at the City of )  
Calgary, in the Province of Alberta, this )  
10<sup>th</sup> day of January 2024. )  
)  
)

*Bethany Dewolfe*

A Commissioner for Oaths in and for  
Alberta

*Trina Demeria*  
TRINA DEMERIA

BETHANY DEWOLFE  
A Commissioner for Oaths  
in and for Alberta  
My Commission Expires May 29, 2026



License #  
LC1206702

THIS IS EXHIBIT "A" REFERRED TO  
IN THE AFFIDAVIT OF TRINA  
Demeria SWORN BEFORE ME

THIS 10 DAY OF January 2024  
Bolton

## 2024 Business License

This is to certify that

### DOG E DAYCARE

has purchased a License to carry on business within the corporate limits of the City of Airdrie until  
December 31, 2024 unless this License be sooner suspended or forfeited.

This License is issued to, accept and held by

### DOG E DAYCARE

which is subject to any or all Bylaws, rules and regulations that are now, or hereafter may be in force, respecting the  
same or the trade, business or calling hereby licensed to be carried on. The license holder must obey all Municipal  
Bylaws and Provincial and Federal Laws.



Given under my hand and the corporate seal of  
THE CITY OF AIRDRIE IN THE PROVINCE OF ALBERTA  
on November 30, 2012 A.D

***This Business License must be displayed for Public Viewing.***

**License issued to:**

**Name:** DOG E DAYCARE  
**License #:** LC1206702  
**Address:** 2, 69 EAST LAKE CR NE  
AIRDRIE, AB  
T4A2H6

The information contained in this license was provided by the licensee. The City of Airdrie does not warrant the accuracy or truth of  
any information provided or the manner in which the business is conducted by the licensee. Reliance on such information is at the  
user's sole risk.



# Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2024/01/10  
 Time of Search: 09:27 AM  
 Search provided by: NEW URBAN REGISTRY LTD.  
 Service Request Number: 41226464  
 Customer Reference Number: XXX00054221

Corporate Access Number: 5122835910  
 Business Number: 715707873  
 Legal Entity Name: EJ RESCUE FOUNDATION

Legal Entity Status: Start  
 Legal Entity Type: Non-Profit Private Company  
 Limited by Shares: Y  
 Registration Date: 2020/08/20 YYYY/MM/DD  
 Date of Last Status Change: 2023/10/02 YYYY/MM/DD

**Registered Office:**

Street: 1600-421 7 AVE SW  
 City: CALGARY  
 Province: ALBERTA  
 Postal Code: T2P4K9

**Records Address:**

Street: 1600-421 7 AVE SW  
 City: CALGARY  
 Province: ALBERTA  
 Postal Code: T2P4K9

Email Address: GWLG.CALGARY.CORPORATE@GOWLINGWLG.COM

**Primary Agent for Service:**

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
MCLEMAN	SCOTT		GOWLING WLG (CANADA) LLP	1600 421 7 AVE SW	CALGARY	ALBERTA	T2P4K9	GWLG.CALGARY.CORPORATE@GOWLINGWLG.COM

**Directors:**

Last Name: BROST  
 First Name: JENNIFER  
 Street/Box Number: [REDACTED]  
 City: [REDACTED]  
 Province: [REDACTED]  
 Postal Code: [REDACTED]

Last Name: DEMERIA  
 First Name: TRINA  
 Street/Box Number: [REDACTED]  
 City: [REDACTED]  
 Province: [REDACTED]  
 Postal Code: [REDACTED]

THIS IS EXHIBIT "B" REFERRED TO  
 IN THE AFFIDAVIT OF TRINA  
DEMERIA SWORN BEFORE ME  
 THIS 10 DAY OF JANUARY 2024  
Bethany Dewolfe  
 Commissioner for Oaths  
 in and for the Province of Alberta

BETHANY DEWOLFE  
 A Commissioner for Oaths  
 In and for Alberta  
 My Commission Expires May 29, 2026

**Other Information:**

**Outstanding Returns:**

Annual returns are outstanding for the 2023, 2022, 2021 file year(s).

**Filing History:**

List Date (YYYY/MM/DD)	Type of Filing
2020/08/20	Incorporate Non-Profit Company
2020/08/20	Update Business Number Legal Entity
2022/03/21	Change Agent for Service
2022/04/22	Capture Microfilm/Electronic Attachments
2023/10/02	Status Changed to Start for Failure to File Annual Returns

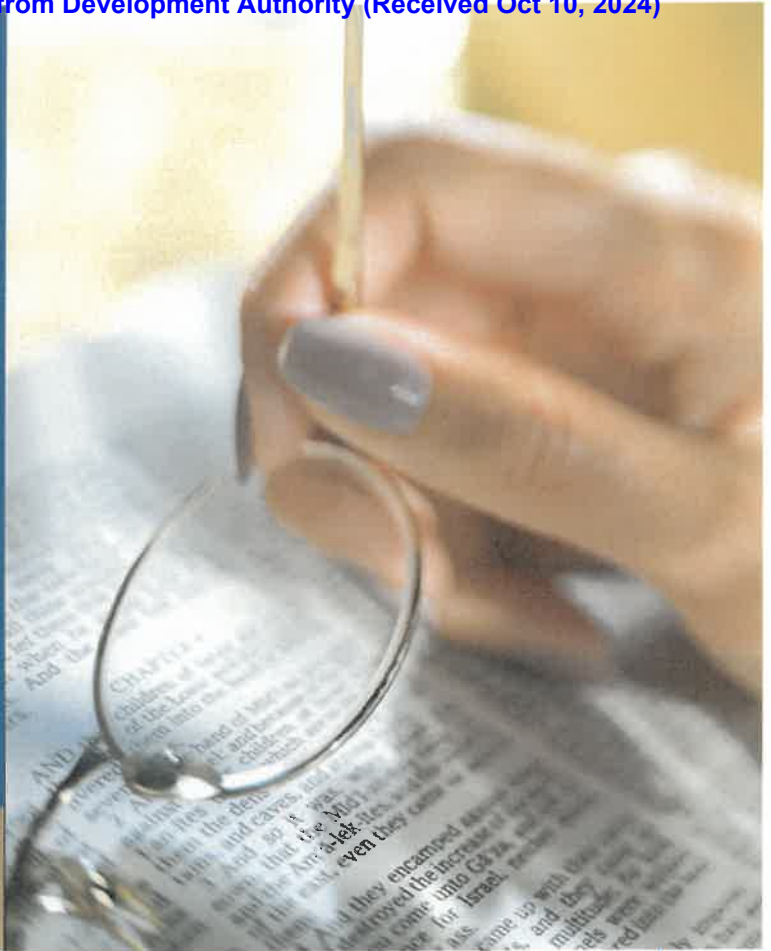
**Attachments:**

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Articles of Association	10000007130254397	2020/08/20
Memorandum of Association	10000207130254396	2020/08/20
Notice of Address	10000807130254398	2020/08/20
Notice of Directors	10000607130254399	2020/08/20
Nuans	10000207130254400	2020/08/20
Supporting Documentation	10000307134531163	2022/04/22

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.



# Land Use BYLAW



THIS IS EXHIBIT "C" REFERRED TO  
IN THE AFFIDAVIT OF JENA  
DEMELIA SWORN BEFORE ME  
THIS 10 DAY OF JANUARY 2024

Bethany Dewolfe  
Commissioner for Oaths  
In and for the Province of Alberta

BETHANY DEWOLFE  
A Commissioner for Oaths  
In and for Alberta  
My Commission Expires May 29, 2026



BYLAW NO. B-24/2008  
OF THE CITY OF AIRDRIE  
IN THE PROVINCE OF ALBERTA

BEING A BYLAW of the City of Airdrie, in the Province of Alberta, to amend Land Use Bylaw No. B-09/2005.

WHEREAS under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, the Council of the City of Airdrie has adopted Land Use Bylaw No. B-09/2005;

AND WHEREAS Council deems it desirable that the said Land Use Bylaw be amended in the manner outlined below,

NOW THEREFORE the Municipal Council of the City of Airdrie in Council duly assembled enacts as follows:

1. That the following Sections of Land Use Bylaw No. B-09/2005;

- Section 1-3 Definitions
- Section 3-4 Signs
- Section 5-1 General Rules for Commercial Districts
- Section 5-2 Central Business District (CB)
- Section 5-3 Central Business Transition District (CBT)
- Section 5-4 Convenience Commercial District (C-C)
- Section 5-5 Neighbourhood Commercial District (C-1)
- Section 5-7 Regional Commercial District (C-3)
- Section 5-8 Commercial Mixed Use District (CMU)
- Section 6-1 General Rules for Industrial Districts
- Section 6-2 Industrial Business Park One (IB-1)
- Section 6-3 Industrial Business Park Two (IB-2)
- Section 6-4 Industrial Business Park Three (IB-3);

be replaced with the amended Sections attached and

2. That Section 5-6 Community Commercial District (C-2) be removed in its entirety.




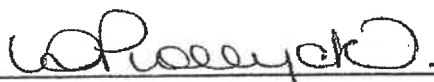
READ a first time this 20<sup>th</sup> day of May, 2008:

READ a second time this 21<sup>st</sup> day of July, 2008.

READ a third time this 21<sup>st</sup> day of July, 2008.

EXECUTED this 21<sup>st</sup> day of July, 2008.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK

## PART ONE DEFINITIONS

electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings; the Home Occupation shall employ no more than 1 additional person on-site other than a resident of the dwelling; home occupations shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of the residential neighborhood and may include personal service business, instruction, and other similar domestic activities; the business shall not be visible from the exterior of the home;

**Home Occupation, Office** means a home occupation that has no clients coming to the residence, involves no delivery or storage of goods or supplies, no product is produced on site, no parking, noise or other impact on the neighbourhood and no renovations requiring a building permit, and shall not employ any person on-site other than a resident of the dwelling; the business shall not be visible from the exterior of the home;

**Hospital** means the use of a building established for the maintenance, observation, medical and dental care and supervision and skilled nursing care for persons afflicted with or suffering from sickness, disease or injury or for convalescent or chronically ill persons;

**Hostel** means the use of a building operated to provide temporary accommodation to transients for remuneration but does not include additional services such as room service;

**Hotel** means the use of a building for sleeping accommodations provided for a fee on a daily basis, accessible only through a central lobby with on site parking; the building may also contain accessory commercial, and food and beverage service uses;

**Kennel** means the use of a building or portion of a building, the primary purpose of which is the boarding of small animals for periods greater than 24 hours for a fee and does not include **Pet Care, Veterinary Clinic** or **Veterinary Hospital**, and that may provide for the incidental sale of products relating to the services provided by the use and may include outside enclosures, pens, runs or exercise areas;

**Laboratory** means the use of a building, or part of a building for scientific or technical work which may be hazardous, including research, quality control, testing, teaching or analysis; such work may involve the use of chemicals including dangerous goods, pathogens and harmful radiation, or processes including electrical or mechanical work which could be hazardous; the laboratory includes such support areas as instrument and preparation areas, laboratory stores and any offices attached or adjacent to the laboratory; has no clients coming to the facility and does not include **Health Services** as defined in this Bylaw;

**Lodging Home** means the use of a building where accommodation is provided for remuneration, with or without meals to four or more persons exclusive of the occupant and his immediate family on a month to month basis; does not include **Residential Care, Special Care or Bed and Breakfast or Assisted Living Facility**;

**Manufactured Home Park** means a parcel of land under 1 title, which provides spaces for the long-term parking and occupancy of manufactured homes;

**Manufactured Home Sales** means the sale of manufactured homes;

**Manufacturing, Class 1** means the use of a building where materials or

## PART ONE DEFINITIONS

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consists of one or more buildings, each containing one or more ***Dwelling Units***;

***Nightclub***, means the use of a building where liquor is sold and consumed on the premises and a license for the sale of liquor, that prohibits minors on the premises at any time, is issued by the Alberta Gaming and Liquor Commission and where entertainment is provided to patrons, in the forms of a dance floor, live music stage, live performances, or recorded music, in a ***Public Area*** greater than 10.0 square metres and where food may be prepared and sold for consumption on the premises;

***Nursery*** means use of land for the cultivation and sale of plants, shrubs and trees;

***Nursing Home*** – see *Assisted Living Facility* definition.

***Office*** means the use of a building or a portion of a building which is designed, intended, or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, and does not include ***Retail Sales, Health Services, Financial Institution (Primary or Secondary), Places of Amusement or Places of Assembly*** or similar uses, and for the purposes of this definition, may include 10.0 percent of the total cumulative *gross floor area* of an industrial building or bay when the function of administration or conduct of business is independent of all other uses in the same building or bay.

***Personal Service Business*** means the use of a building or portion of a building as a facility for providing a service to individuals on a commercial basis and includes such uses as but may not be limited to, photography studios, barber shops/salons, tailors, tanning studio, catering services, laundry/dry cleaning,

and spas, and excluding massage parlours and escort services;

***Pet Care Service***, means the use of a building or portion of a building to wash, groom, or board small animals during the day and that may have the incidental sale of products relating to the services provided by the ***use***, must not board animals overnight; does not include ***Kennel, Veterinary Clinic, or Veterinary Hospital***;

***Private Recreation Club*** means the use of a building or a part of a building used as the premises of a social, cultural or entertainment organization which is characterized by private and exclusive membership;

***Public or Quasi-Public Buildings, Utilities, Installations and Facilities*** means utility buildings, installations and/or facilities owned or operated by or for the municipality, the provincial government, the federal government or a corporation under federal or provincial statute for the purpose of furnishing services or commodities for the use of the residents of the municipality;

***Radio and Television Studio***, means the use of a building where radio, television, motion pictures, or audio performances are produced and/or recorded;

***Recreation Facility, Indoor*** means the use of a building or portion of a building for facilities which are available to the public for sports and active recreation conducted indoors; typical uses include but may not be limited to, athletic clubs, health and fitness clubs, curling, roller skating and hockey rinks, swimming pools, bowling alleys, racquet clubs, arenas, billiard halls, amusement arcades;

***Recreation Facility, Outdoor*** means facilities which are available to the public for sports and active recreation conducted outdoors; typical uses include but may not



January 17, 2024

I am the Chief Licence Inspector for the City of Airdrie.

It has come to my attention that on January 4, 2024, payment was made online through myAIRDRIE on behalf of Dog "E" Daycare for the outstanding business licence fee for 2023 for Dog "E" Daycare. That fee was \$137.00.

City Council in accordance with Airdrie Bylaw No. B-41/2023 has set the business licence fee for 2024 at \$147.00.

This letter is to confirm that Dog "E" Daycare has not paid the 2024 business licencing fee and that Dog "E" Daycare does not have a valid and subsisting business licence to operate in 2024 in Airdrie.

Should Dog "E" Daycare wish to apply for a business licence for 2024, the business owner must contact the Chief License Inspector for further direction on how to complete the application and the requirements needed.

Please note that as per Section 4.10 of Bylaw No. B-52/2005, it is a condition to receiving a business licence that the applicant have complied with the terms of this Bylaw and any other applicable bylaws, and that payment for the applicable licencing fee be paid.

Colleen Kinley  
Chief License Inspector

**Genesis Place**  
800 East Lake Blvd NE  
Airdrie, AB T4A 2K9  
F: 403.948.0604

**City Hall**  
400 Main Street SE  
Airdrie, AB T4B 3C3  
F: 403.948.6567

**Tel: 403.948.8800**  
**1.888.AIRDRIE**  
**airdrie.ca**

**Parks/Public Works**  
23 East Lake Hill NE  
Airdrie, AB T4A 2K3  
F: 403.948.8403

**Municipal Enforcement**  
2 Highland Park Way NE  
Airdrie, AB T4A OR1  
F: 403.948.0619





# Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2024/01/10  
 Time of Search: 09:27 AM  
 Search provided by: NEW URBAN REGISTRY LTD.  
 Service Request Number: 41226464  
 Customer Reference Number: XXX00054221

Corporate Access Number: 5122835910  
 Business Number: 715707873  
 Legal Entity Name: EJ RESCUE FOUNDATION

Legal Entity Status: Start  
 Legal Entity Type: Non-Profit Private Company  
 Limited by Shares: Y  
 Registration Date: 2020/08/20 YYYY/MM/DD  
 Date of Last Status Change: 2023/10/02 YYYY/MM/DD

**Registered Office:**

Street: 1600-421 7 AVE SW  
 City: CALGARY  
 Province: ALBERTA  
 Postal Code: T2P4K9

**Records Address:**

Street: 1600-421 7 AVE SW  
 City: CALGARY  
 Province: ALBERTA  
 Postal Code: T2P4K9

Email Address: GWLG.CALGARY.CORPORATE@GOWLINGWLG.COM

**Primary Agent for Service:**

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
MCLEMAN	SCOTT		GOWLING WLG (CANADA) LLP	1600 421 7 AVE SW	CALGARY	ALBERTA	T2P4K9	GWLG.CALGARY.CORPORATE@GOWLINGWLG.COM

**Directors:**

Last Name: BROST  
 First Name: JENNIFER  
 Street/Box Number: [REDACTED]  
 City: [REDACTED]  
 Province: [REDACTED]  
 Postal Code: [REDACTED]

Last Name: DEMERIA  
 First Name: TRINA  
 Street/Box Number: [REDACTED]  
 City: [REDACTED]  
 Province: [REDACTED]  
 Postal Code: [REDACTED]

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 My Commission Expires May 29, 2026

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Supporting Documentation	10000307134531163	2022/04/22

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**Calgary**

# Former staff, volunteers and adopters allege EJ Rescue hoarded dogs, hid info and failed to supply proper care

Airdrie owner declined to comment but her supporters defend the rescue and deny many of the allegations

[Colleen Underwood](#) · CBC News · Posted: Jun 29, 2020 5:30 AM MDT | Last Updated: June 29, 2020



Left, the back of a vehicle allegedly used by EJ Rescue to transport dogs in August 2019. Centre, Trina Demeria, owner of EJ Rescue, did not want to make public her conversation with CBC News regarding allegations against the rescue. The allegations have surfaced since the rescue's name came up in connection with a fatal crash in Idaho this spring, right. (Submitted by Twyla Johnson, Facebook, Idaho State Police)

An older, small terrier is said to have died while being transported in a cramped, hot van.

A "sweet" husky-malamute foster who turned out to be aggressive to dogs with a history of biting.

Falsified information in documents bringing U.S. rescue puppies into Canada.

These are just a few of the allegations from several former volunteers and fosters that have surfaced against EJ Rescue Canada — a dog rescue in Airdrie, Alta. — after its name came up in connection to a crash in Idaho this spring that killed two people and 26 dogs destined for the rescue facility.

- [2 people, rescue dogs en route to Calgary killed in Idaho crash](#)

Some critics have taken their concerns to social media with Facebook groups popping up to denounce the owner's practices.

CBC News spoke with dozens of people who have fostered and/or adopted dogs from EJ Rescue Canada, and sat down with a core group of six former EJ volunteers who all left within the past year.



Crates are stacked in the back of a vehicle allegedly used by EJ Rescue to transport dogs. (Submitted)

They say the bottom line is EJ Rescue owner Trina Demeria brings in too many dogs — spurring a whole host of other issues that they say ultimately results in the dogs not receiving proper care both at the rescue and when fostered/adopted.



[Report from Development Authority \(Received Oct 10, 2024\)](#)

The ex-volunteers say they struggled to find enough fosters and adopters. They say they also struggled to keep up with feeding, providing bathroom breaks and play time, and cleaning up after the sometimes dozens of dogs that ended up staying at the daycare/rescue facility.

They're calling for regulatory oversight to ensure animal rescues are routinely inspected, rescue animals receive initial checks by Canadian vets and the animals' medical and behavioural histories follow them to the fosters or adopters.



Casey Heidinger and Twyla Johnson at an EJ Rescue adoption event at a Lethbridge pet store. (Colleen Armstrong)

Twyla Johnson, one of the inner circle of former volunteers and their de facto spokeswoman when they spoke with CBC News, sums up their journey from defenders of the rescue to outspoken critics, saying everyone starts out feeling like this.

"You just want to save the dogs, I just want to save all the dogs. It's not fair that they're dying," said Johnson, the former lead volunteer and ex-Dog E Daycare employee.

"And eventually we all came to that conclusion of as much as we want to help these dogs we're not helping them, we're helping her with her dog hoarding problem," said Casey Heidinger, former foster coordinator volunteer.

## EJ Rescue Canada owner declines comment

CBC News reached out to Demeria several times.

Demeria spoke to CBC News once by phone for an hour. However, she refused to allow the CBC to report any of the conversation, saying she didn't think she'd be treated fairly in the story and saying she had been the subject of harassment since the fatal crash in May.

However, Demeria asked CBC News to speak to supporters of her rescue, who could provide positive stories.

CBC News spoke to several fosters, partner rescue agencies and supporters of EJ Rescue who say they have never had a problem with Demeria or EJ.

Her supporters deny many of the allegations from critics.

## Few rules govern Alberta's dozens of rescue operations

One challenge is that there is no accreditation process and they are unregulated: anyone can call themselves a "rescue."

According to the Alberta SPCA, there are more than 70 rescue organizations that shelter cats and dogs in the province.

The SPCA does not routinely inspect facilities but will investigate complaints of an animal in distress — whether that's a report of lack of food or water, inadequate veterinary care or improper shelter.

There are also no laws that state animals must see a vet when they arrive in Canada or outline a rescue's staff to animal ratio.



EJ Rescue Canada is located in the same building as Dog “E” Daycare in Airdrie, Alta. Both businesses are owned by Trina Demeria. (CBC News)

Some rescues — such as Calgary-based Alberta Animal Rescue Crew Society (AARCS) and Pawsitive Match — are registered as non-profit organizations, societies or charities.

That status means they have to report their financials, have a board and list the members.

EJ Rescue Canada is not registered as a non-profit organization or a charity. It was started in 2014 and was licensed as a business in 2020.

## Dogs transported in unsafe conditions, critics say

Some of the ex-volunteers' top concerns revolve around the dogs' transportation into Canada, both in terms of transit conditions and falsified information in documents provided to border officials.

Johnson says she is still bothered by an August 2019 transport where she and Demeria went to Montana to pick up dogs from a rescue in Arizona.

They were supposed to be picking up 32 dogs — but when she woke up in a hotel, she says she found Demeria and the other agency volunteer had packed in an extra 11.

She remembers the van being so crammed with dogs in kennels that there was no room to walk around. There were no safety straps to hold down the kennels as is required by the Canadian Food Inspection Agency (CFIA) while travelling in Canada, and air couldn't circulate properly to cool down the stifling heat, she says.

One older terrier, who had been tucked up in a corner, died before they even reached the border, she said.

"He was too old and there was too much going on to stick an old dog in a top, hot corner," said Johnson. "I felt horrible."

Since the trip in August 2019, Johnson says Demeria has been using a gutted motorhome to transport dogs into Canada.

## Paperwork questioned by border officials

Problems with paperwork also surfaced on this August 2019 trip.

The CFIA regulates the humane transport of animals in Canada and says rescue agencies can't bring puppies under eight months into Canada unless they are already adopted. The rescue staff taking them across the border must produce proof of adoption, vaccinations and certificates of health to border officials.

Rescue dogs eight months and older just need a valid rabies vaccination certificate.

Johnson and the rest of the ex-volunteers say that, shortly after the August 2019 trip, they were contacted by border officials who had questions about some of the dogs' paperwork.





This motorhome is being used by EJ Rescue to transport dogs, according to a former volunteer. This photo was taken in Airdrie, Alta. (Submitted by Barb Lindsay)

Former foster co-ordinators Casey Heidinger and Stephanie MacNeil said they had signed documents stating they were adopting four of the Arizona rescue puppies — even though they weren't.

"According to me, I'm saving lives, so OK, it didn't seem anything random or weird," said MacNeil.

They say Demeria asked them to because the puppies needed that paperwork to enter Canada. CBC News has talked to others who say they were asked to fill out similar paperwork.

But when called by the border services veterinarian, they say they came clean.

CBC News asked Demeria about this allegation but she did not respond.

CFIA says it is aware of EJ Rescue and could not comment on the organization or any investigations at this time.

A spokesperson for the CFIA says if an animal is improperly imported the animal could be removed from Canada, fines may be applied and legal actions may be pursued.

## Concerns over paperwork in fatal crash

CBC News has learned there were also concerns over paperwork related to the fatal crash in Idaho involving dogs from Arizona headed to EJ Rescue Canada.

It's alleged EJ Rescue rented the US vehicle under someone else's account — who was not involved in the crash.

Documents show the truck that crashed was rented from Enterprise Rent-A-Car under Mountain Girl Rescue, based in the U.S. — but Idaho state police have confirmed that rescue was not involved in the crash.

Both Mountain Girl and EJ Rescue are listed as the renters. But the rescue which was transporting the dogs, Who Saved Who, is not listed on the paperwork.



Two people and 26 dogs were killed after this truck headed for Calgary crashed in Idaho. There were 48 dogs being transported. The dog on the right survived. (Idaho State Police, Blackfoot animal Clinic)

Mountain Girl founder Katie Harris says she stopped doing transports with Demeria in March 2019.

Harris says she stopped working with EJ Rescue for several reasons, including concerns about the way Demeria did transports. She alleges Demeria never signed an agreement confirming she would

follow the American SPCA's transport guidelines.

Harris says she's not sure why her name is on the rental agreement but says it's worrisome because she's since discovered her name is on a total of six Enterprise contracts involving EJ Rescue, between August 2019 and May 2020 for transports she wasn't involved in.

"Here I am a year later and I am wasting hours of every day dealing with this, " said Harris.

"I am going through receipts from 2015 looking for my original contract with Enterprise to show, no, Trina Demeria, was never on it," added Harris.

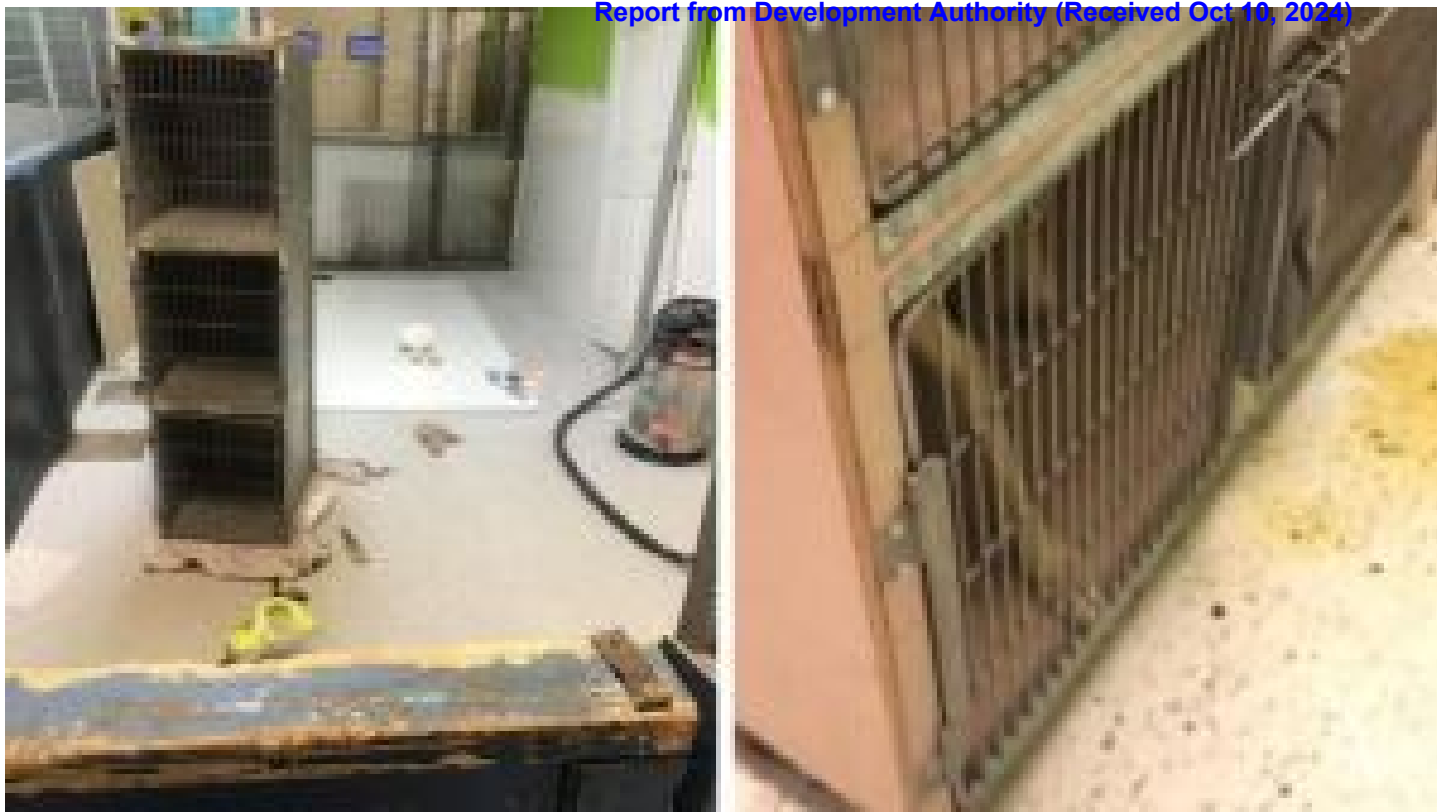
Enterprise Rent-A-Car says it is still investigating the matter.

## Conditions at Airdrie facility concern ex-volunteers

The core group of ex-volunteers also expressed concerns about conditions at the facility in Airdrie that housed the rescues and daycare client dogs.

In Canada, there is no standard ratio for volunteers or staff to a rescue. But AARCS, for example, says its minimum ratio is six people to 35 dogs.

The ex-volunteers say usually only one daycare staff member was on duty at a time to care for all the rescue and client dogs at EJ's Airdrie facility.



Left, Volunteers say they would often build kennels when more dogs arrived at the daycare/rescue in Airdrie. Right, a bank of kennels where some dogs were kept at the back of the rescue. (Submitted)

Johnson says she recalls having to potty, feed, play with and clean up after nearly 60 dogs by herself.

"I said, 'Trina, enough is enough.' That was when I had a big fight ... 'I have had it, there [are] way too many dogs. Nobody can do this, I'm lost,'" said Johnson.

As a result, the daycare would be filthy and cluttered, with some dogs living at the daycare for months because volunteers couldn't find them homes, usually because the dogs were too aggressive, Johnson says.

The ex-volunteers also say dogs would not always get medical care when they thought it was warranted — from initial checks to follow-up visits if dogs got injured or became ill.

Johnson and the others say sick puppies would sometimes be cared for by volunteers rather than a vet, even when there were suspected cases of parvo — a highly contagious virus that is often deadly for puppies and young dogs — especially those that haven't received vaccinations.

There is no specific treatment for the virus but supportive treatment for infected dogs includes IV fluids and electrolytes, according to the Alberta Veterinary Medical Association.



"My heart is still sick at the fact that I enabled and stuck with her choice of care as opposed to going to the vet," said Johnson in a followup email.

## Adopters don't have timely access to dogs' histories, critics say

Johnson says a more common problem that she and the ex-volunteers experienced around the dogs' health revolves whether and when medical paperwork is provided to adopters.

Adopters commonly had to wait months to receive their dog's vaccination and vet records from EJ Rescue — and some people never got them, the group says.

These documents would provide a dog's underlying health conditions and age.

Typically, rescue agencies provide a dog's paperwork at the time of adoption.



Ken Shiel says he was told his dog was younger than the dog's vet records show but says EJ Rescue didn't respond to his concerns. (Submitted)

CBC News spoke to one adopter who says they were left with a hefty vet bill because they say they were never told about pre-existing conditions.

Others say they were told a dog was younger than it really was, which allowed EJ to collect a higher fee. The adopters say they found out after they took their dogs to their own vet or when they finally got their dog's paperwork from EJ.

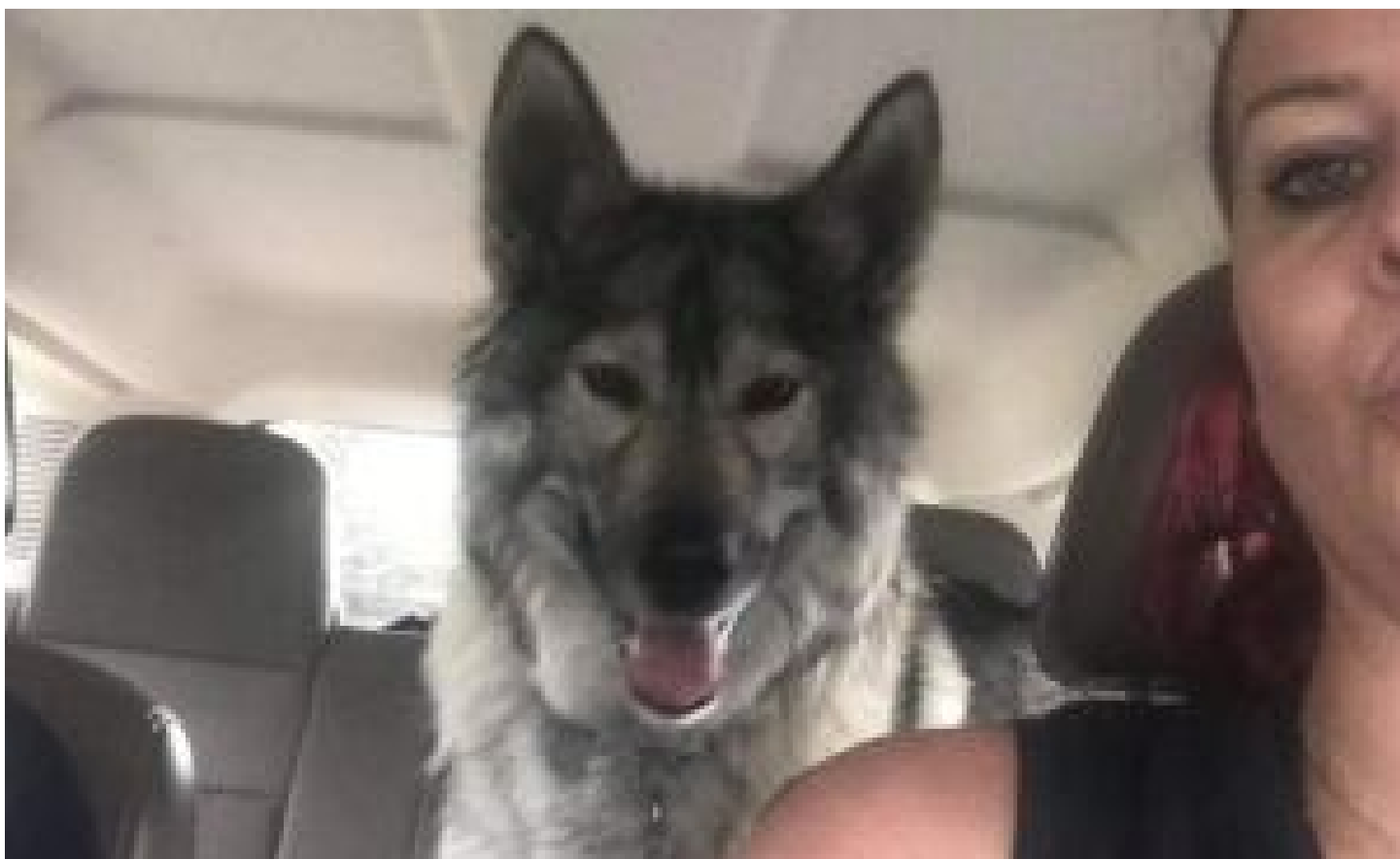
Ken Shiel adopted what he was told was a one-year-old bully mix only to find out a few months later that, based on the dog's records, it was a shar-pei and nearly four.

"I'm pissed off that they are doing this to people. I don't feel like they are in it for the animals," Shiel said.

Some fosters say they weren't told about a dog's behavioural or medical issues until after the problem surfaced.

Richard Gottardo says he was told his foster dog, Sabrina, was a sweet husky-malamute mix but when he took her home, she was aggressive toward his own dog.

He says when he started to ask questions he was told to return the dog because the original owner wanted her back.



One foster says he was told this dog was a sweet husky-malamute cross but later learned she was an aggressive

with a bite history. (Submitted)

**Report from Development Authority (Received Oct 10, 2024)**

Johnson confirms Sabrina did not go back to her original owner — rather she was taken to the daycare.

Other fosters told CBC News that they couldn't contact EJ or convince staff that their dog needed medical attention — whether it be for trouble walking, diarrhea or a wound suffered in a fight.

EJ Rescue's foster contract states EJ is responsible for making all medical decisions for the dogs and it will not reimburse fosters for any treatment that wasn't pre authorized by EJ.

## Others defend EJ Rescue, denying allegations

CBC News spoke to several current volunteers, fosters and partner rescue agencies of EJ Rescue who say they have never had a problem with Demeria or EJ.

A current volunteer, Kara D'Costa, who says she took on a larger role around the time the other volunteers left, acknowledges EJ has organizational problems and says there are delays in getting medical records out to adopters. But she denies many of the allegations being made by critics.

"There's no one in the organization who will say that there's not things that need to be worked on but what we're saying here is like that's a far cry from dogs not getting vetted, dogs laying in their filth, thousands of dogs in a daycare piled on top of each other," said D'Costa.

D'Costa says EJ doesn't give medical records to adopters when they pay their fee and take the dog home because the first week is considered a trial period — adopters can return their dog if things don't work out and receive a refund.

Once the week is up, adopters tell CBC News, they're told EJ Rescue has two weeks to issue these documents.

EJ's policy also states adopters can get their paperwork sooner if they forgo that trial period allowing for a refund, according to information shared with adopters.

D'Costa says EJ is working on changing its policy to provide the medical and vet records after the one-week trial period is up.

D'Costa also denies that dogs at the Airdrie facility are crammed together too tightly.

Report from Development Authority (Received Oct 10, 2024)



Volunteers say sometimes larger dogs, like this pitbull named Smiles, were being kept in crates that were too small. (Submitted by Twyla Johnson)

She says dogs are often in big pens — not cages — with plenty of room at the daycare if needed.

Page 255 of 324



"It's never overcrowded.... Right now, she could probably have the capacity of, like, 75 dogs in there, like, comfortably. I think right now there are 12," said DaCosta.

Demeria's supporters also say dogs are not denied vet care when warranted.

"We'll have one who thinks that the dog should go to the vet because it's itchy. Well, no, there's five things you do before a rescue, [that] doesn't have corporate or government funding, will pay for that vet," said D'Costa.

If the alternative remedies don't work within a few days, then D'Costa says dogs will go to a vet.

D'Costa also says there is no money to be made in rescue and certainly not by Demeria, she says.

"If she was a puppy mill, or like what are they calling her, a rescue for profit, first of all she wouldn't be driving a rusted 1978 Jimmy," said DaCosta.

## Ex-volunteers say SPCA repeatedly called to no avail

The six former volunteers say many people have complained to the SPCA about EJ Rescue — including them after they left — but say nothing changes based on what they still hear from adopters and fosters.

They say the SPCA sometimes notified Demeria before they came to inspect; other times, Johnson and another staff member say they would have to stall the SPCA and to give Demeria and the volunteers enough time to clean up, hide dogs, or move them into foster homes.

"Every time there's a big call out for fosters ... the SPCA is either on their way or she's on her way to Arizona," said Johnson.

The Alberta SPCA wouldn't confirm whether officials have received complaints against EJ or if the SPCA has conducted any investigations at the rescue.

It did say its inspectors can either show up unannounced or provide notification of a visit.

## Ex-volunteers call for regulation of animal rescues

The ex-volunteers say that, even though months have stretched on, they are still sharing information about EJ with the CFIA and the SPCA.

Regardless of what happens there, they're urging better regulation of animal rescues and say rules should include the need to:

- Face regular inspections with followup to ensure any problems are fixed or penalties implemented.
- Ensure animals are spayed or neutered, or have a voucher system for adopters to do so.
- Have animals inspected by Canadian vets upon arrival and annual checkups for those still in rescue's care.
- Give dogs at least a week to decompress/quarantine after arrival before being fostered/adopted.
- Conduct behavioral assessments on dogs over six months.
- Provide all paperwork upon time of adoption, fostering.
- Make reporting of a dog's history mandatory.
- Impose a fire code on the maximum number of animals allowed inside a rescue.
- Implement rules for proper transport.

They're not the only ones calling for changes.

Humane Canada says there needs to be a comprehensive animal welfare law and regulation that governs animals in Canada — rather than the existing patchwork of laws governing the care and transport of animals at the municipal, provincial and federal level.

It is working on an accreditation program for the 115 humane societies and SPCAs across the country. It's voluntary and it will set out standards in 19 areas including governance, animal care and management, fundraising and foster systems.

The group of ex-volunteers hopes that the accreditation program will filter down to rescues, too.

In the meantime, the ex-volunteers urge people looking to adopt to do their homework.

They say to look up their Better Business Bureau profile and online reviews, ask to tour their facility, compare their policies with other agencies and check to see whether they are a business, non-profit or a charity.

Some adopters say looking back they didn't do any research — and urge others not to do the same when choosing a rescue.

"Because I guess for me, psychologically, there is just an assumed altruism with anyone or any organization that's rescuing dogs. There's like an implied trust, like, 'oh, these people are amazing, oh, what great people these must be, making sure these dogs didn't get put down,'" said Colette Hamon, whose adopted dog Bentley wasn't neutered.

She says she ended up paying for the operation out of her own pocket because EJ ignored her complaints.

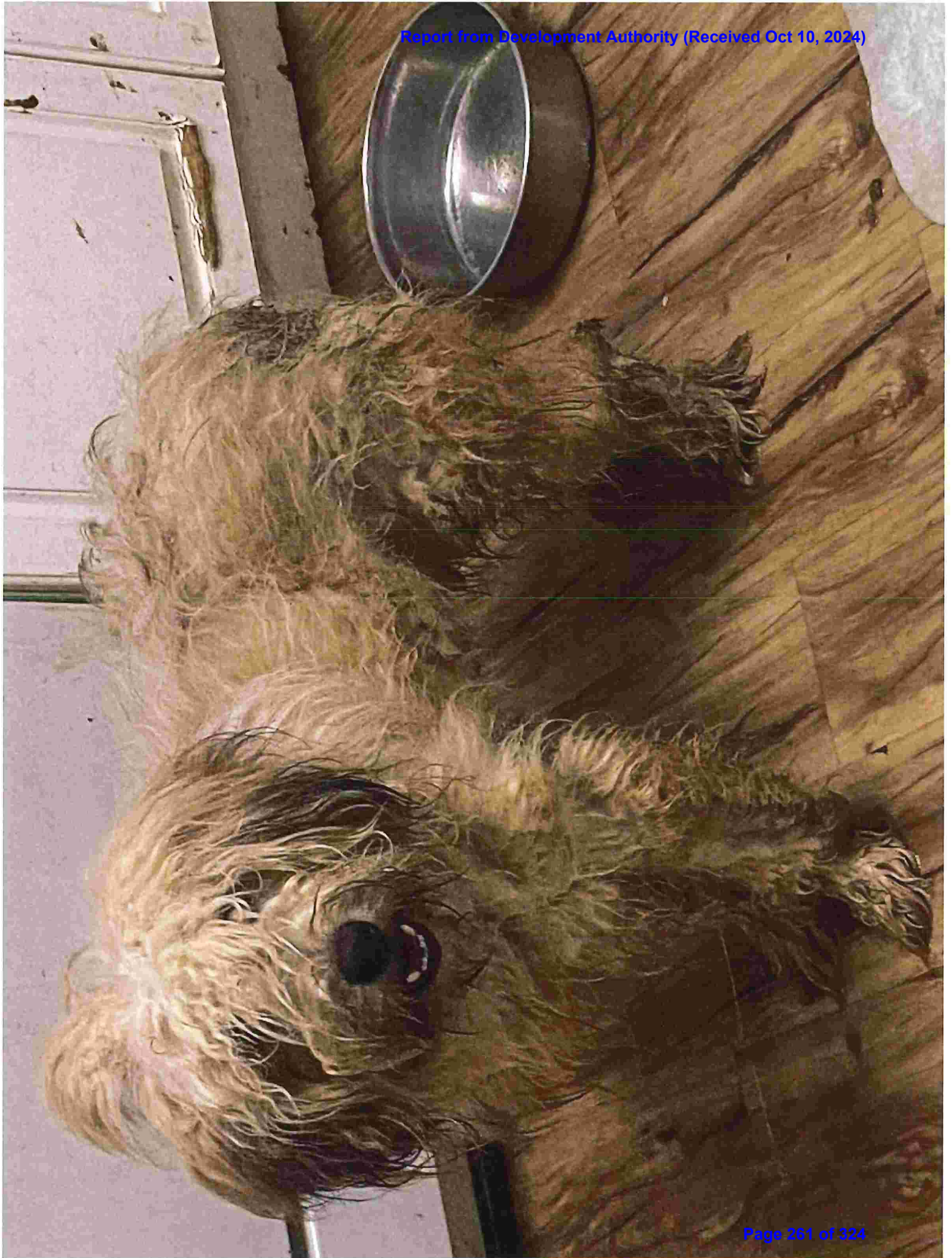
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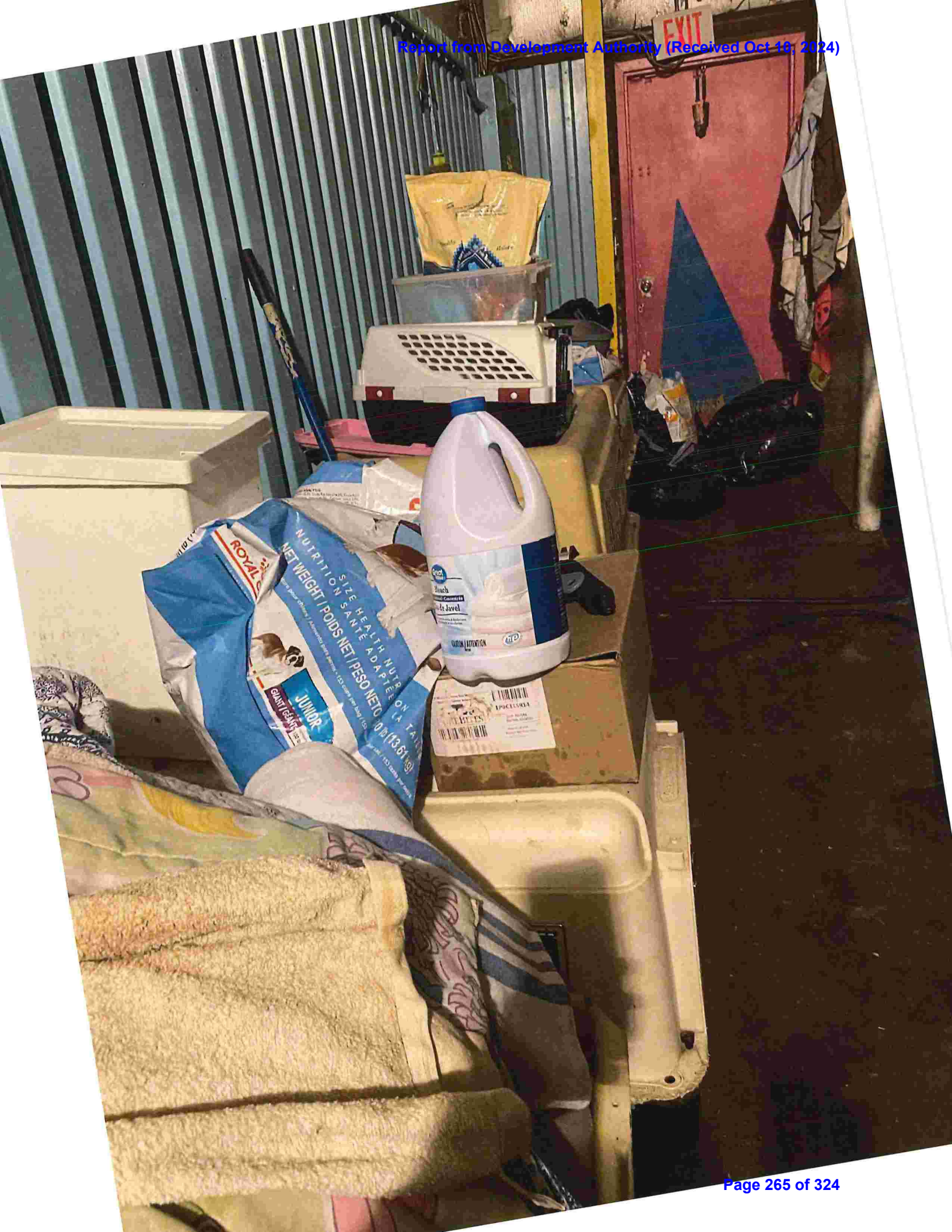








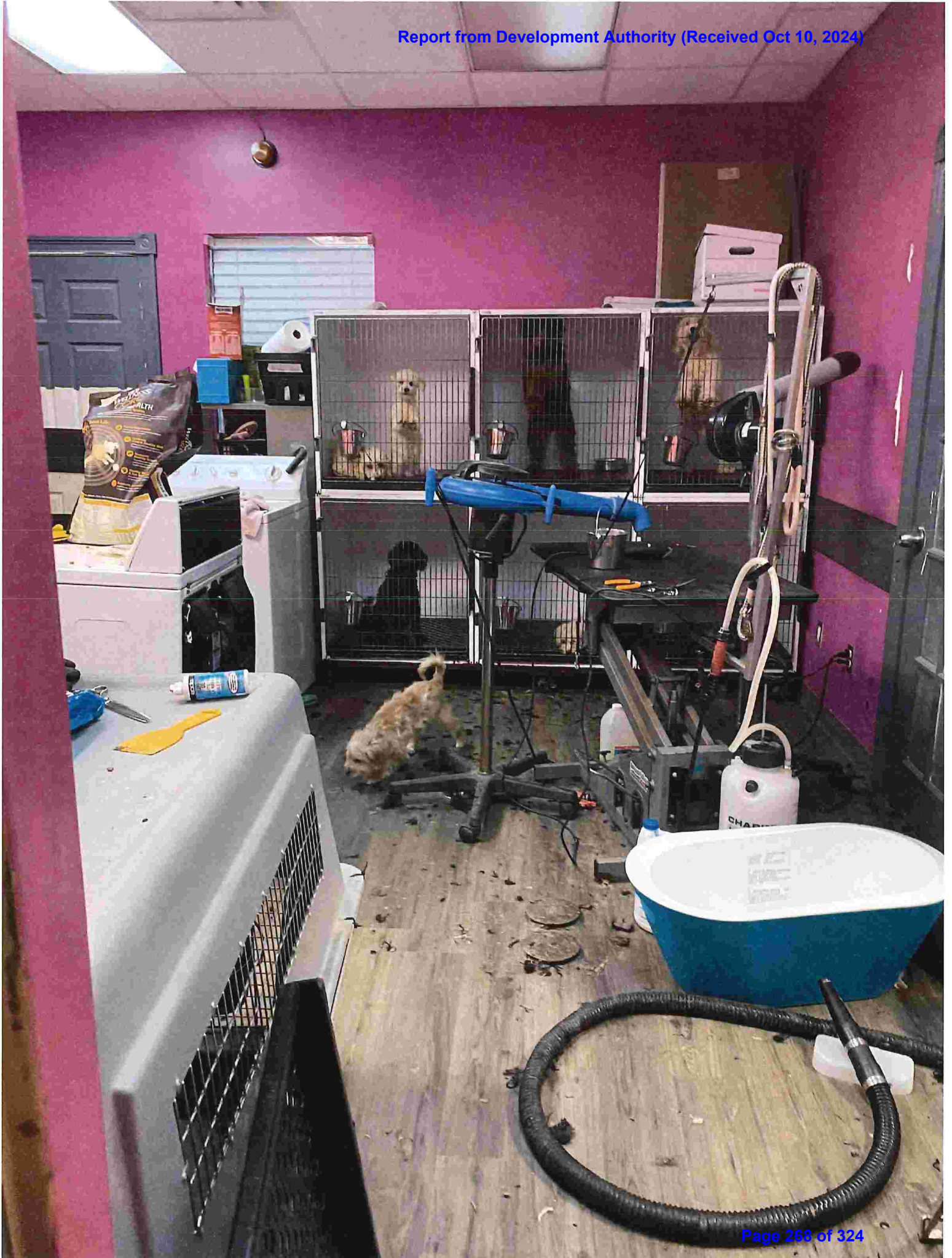
























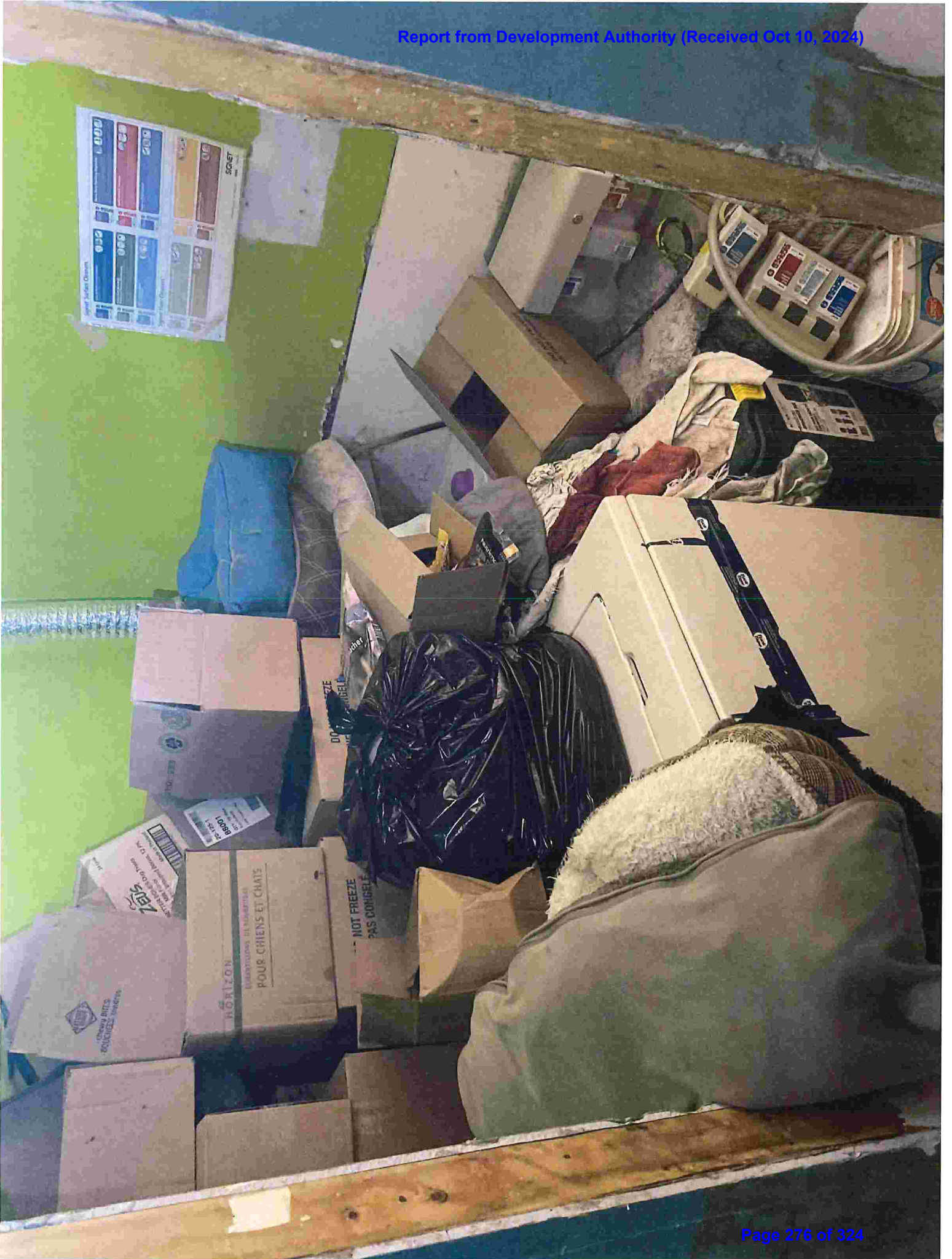










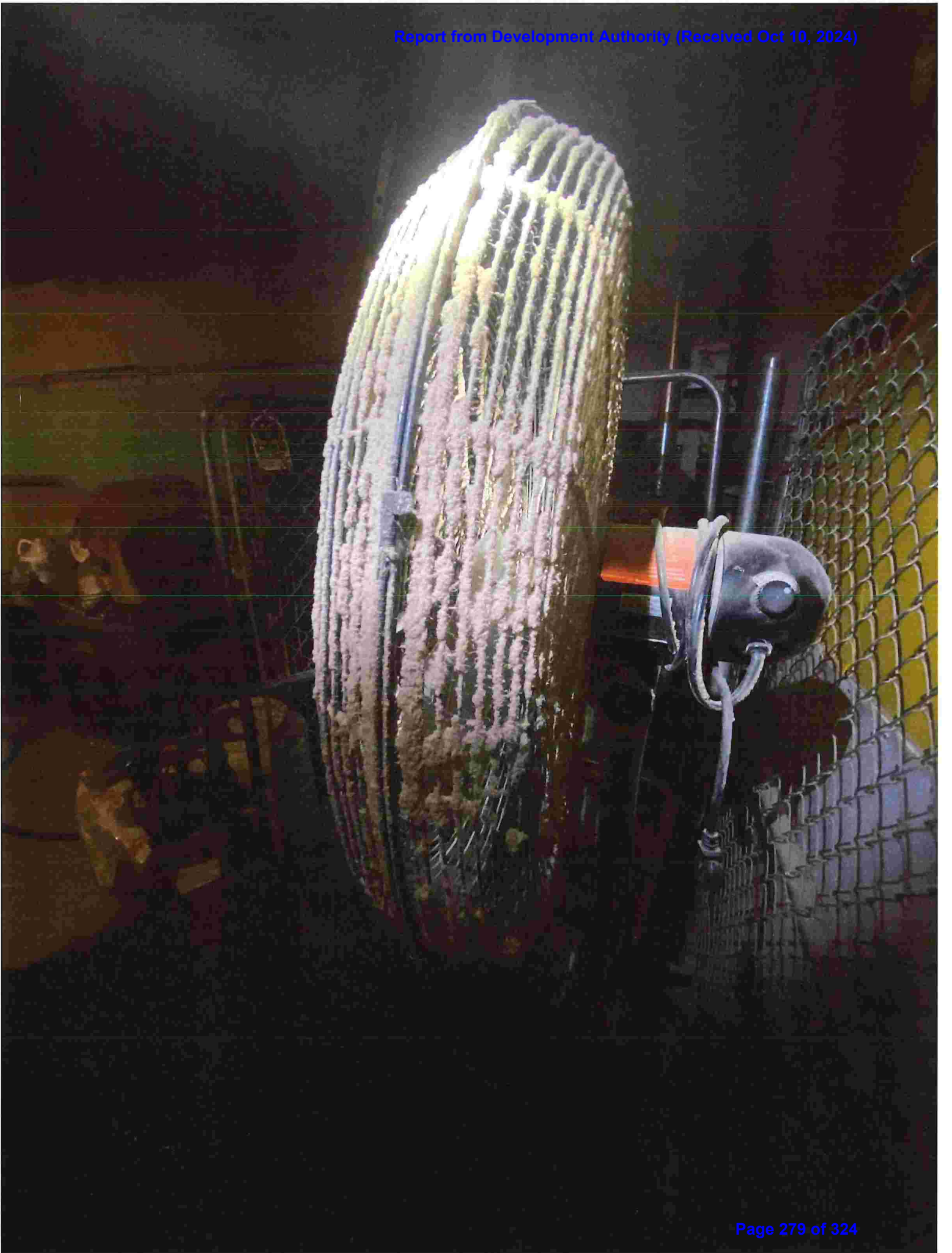




















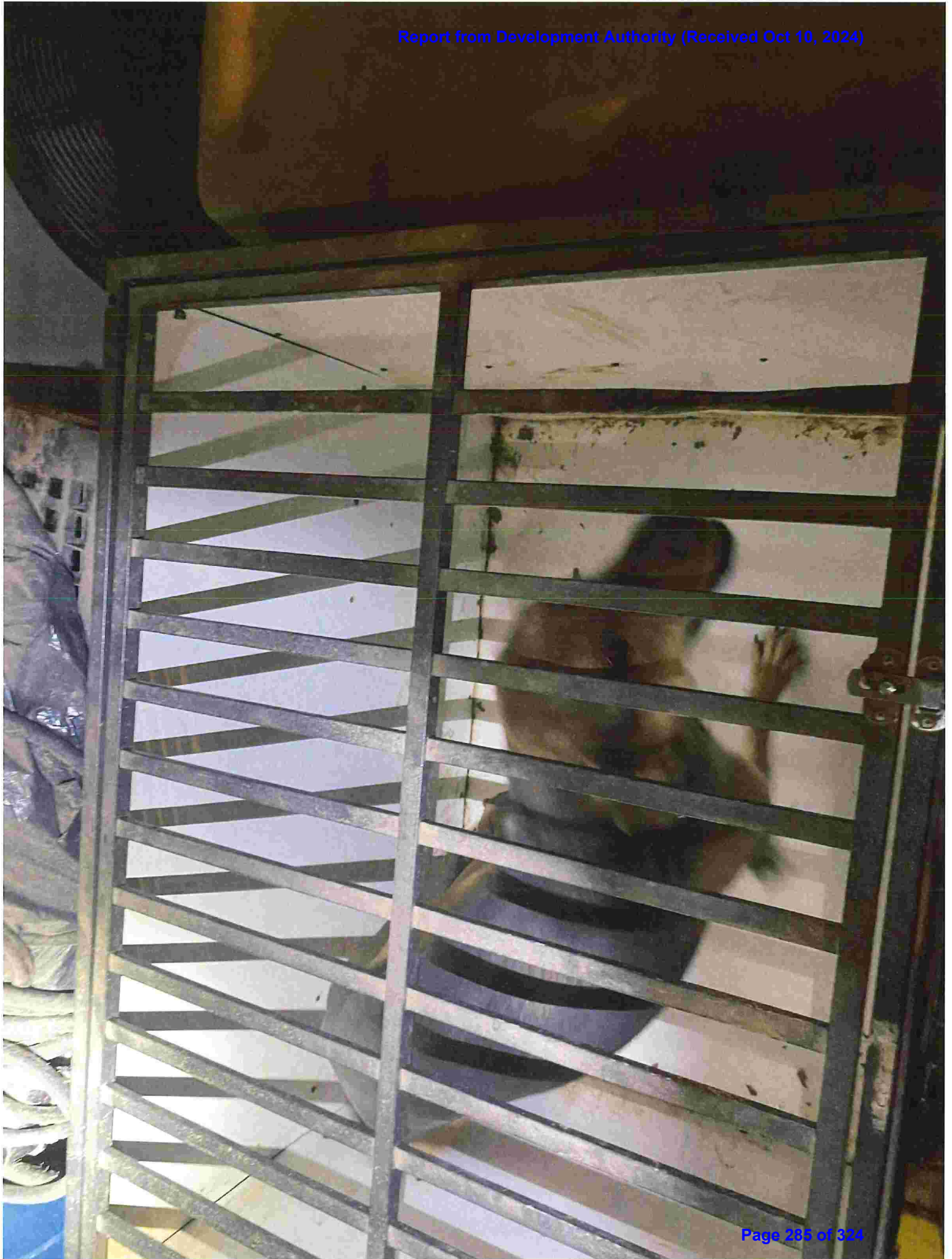










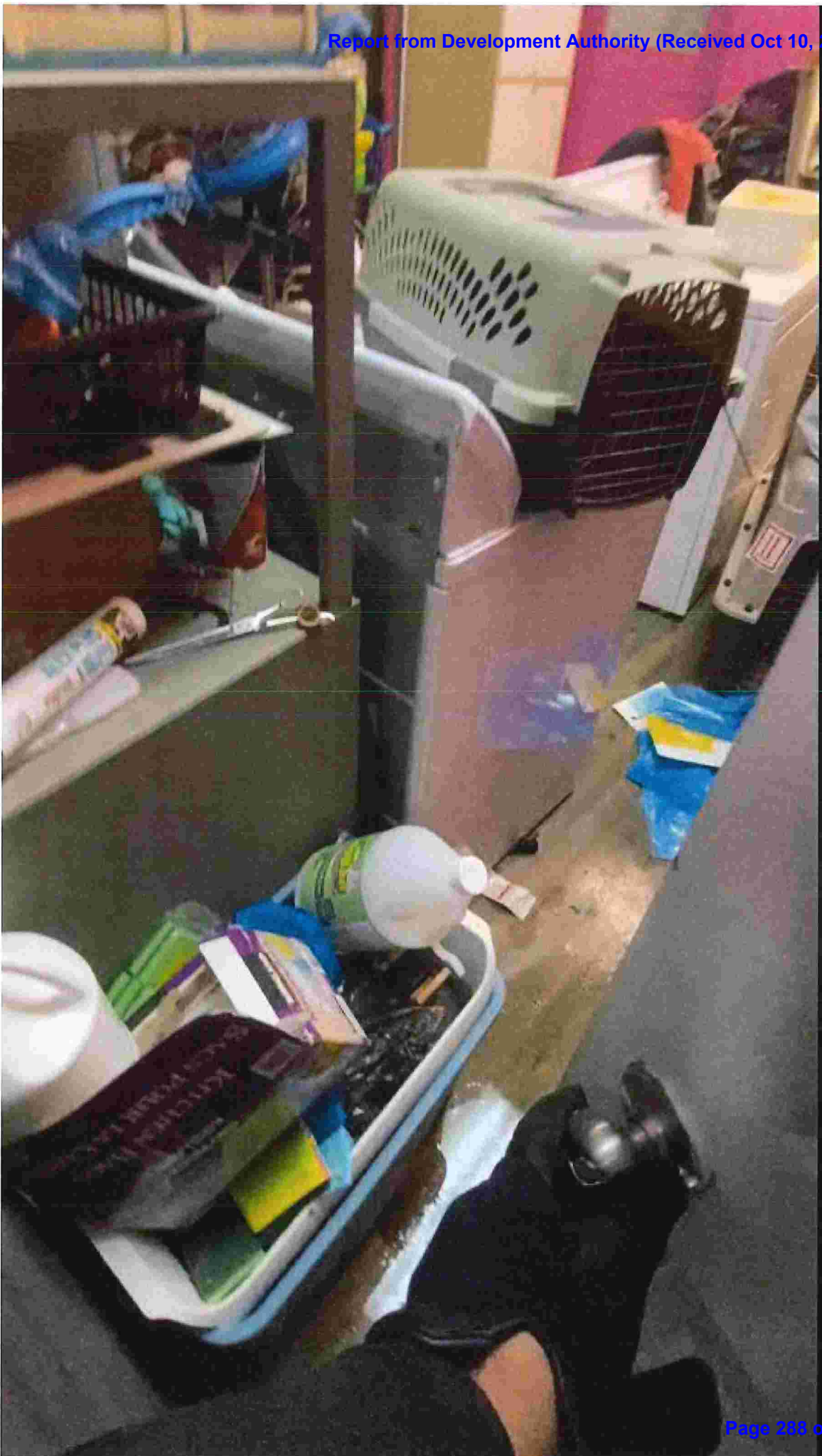












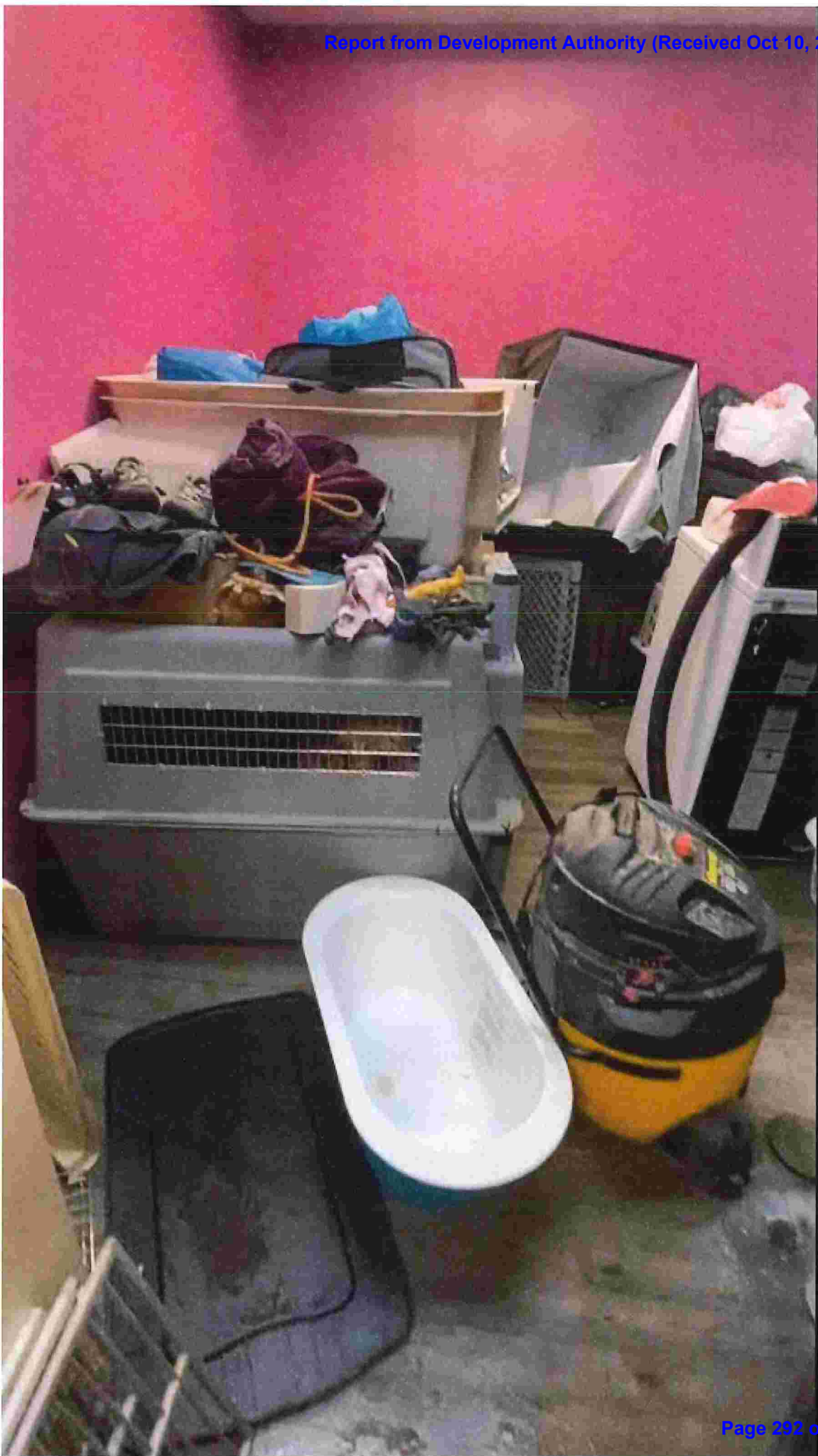












## SPCA Report

I, Dr. Kendra MacPherson, veterinarian, was contacted by Officer Brad with Airdrie Bylaw for my medical opinion of animals in distress. I offered to come on scene to assess the dogs in place.

At 1:00pm on Tuesday December 5, 2023 I attended #2 69 East Lake Crescent NE Airdrie, Dog "E" Daycare.

I reviewed footage obtained by Officer Brad that illustrated numerous dogs in cages without water. There was one small doodle that wasn't lifting his head when the officer tried to get his attention. I was concerned that this animal may be in medical distress and in need of veterinary medical attention. SPCA Officer Karen Stevenson had a photo of a recently vacated kennel that showed the bottom completely covered in liquid feces. This animal too could be in medical distress due to dehydration and needed veterinary evaluation.

We gained access to the facility at 3:58pm. Upon entering the building, there was water all over the floor in the reception area. The room smelled of dog urine, feces and bleach.

The first room to the left of the entrance contained 3 small poodle type dogs, each in their own metal stacking kennel. There was no water or food bowls present in any of those cages. The dogs appeared bright, alert and responsive. Their fur coats were dirty with fecal matter.

The kitchen contained three dogs, in two separate partitioned areas. The main kitchen area had a wheaten terrier and a small black cocker (image 1). Both dogs were bright, alert and responsive and were of good body condition score. Their coats were dirty with urine and fecal matter. The black cocker has severe periodontal disease.

In the partitioned area of the kitchen there is another Wheaten terrier. Due to severe fear, anxiety, and stress, only a distant exam was possible. The dog was severely matted, covered with fecal matter and appeared to be in poor body condition (thin). I deemed this animal to be in distress and in need of further veterinary medical attention, so was seized.

To the right of the kitchen there was a room with 7 small breed dogs in 6 metal kennels. There is no food or water available to them. Two additional crates on the floor with medium breed dogs. Feet are matted with fecal matter. All bright, alert, responsive and appear to be of good body condition.

Large run contained 1 French bulldog and 2 English bulldogs. Within the run there is another set of metal kennels with small breed dogs.

Two additional rooms with metal kennels and small breed dogs. The small brown doodle that was of concern for possible distress on video, was identified in this room. Physical exam showed a body condition score of 4/9, partially erupted adult canine teeth. The puppy had severe fear, anxiety and stress but was otherwise in stable condition. In the same room there was a red and white Boston Terrier with a fresh pile of vomit in the kennel. The vomitus contained recently ingested food. On a second pass of the room, about 15 minutes later there was even more vomit within the kennel. I determined that this dog needed further veterinary medical attention, so was seized. Overwhelming smell of dog urine and feces in this area of the building.

The back of the building there was a large area with numerous large dog crates. 13 dogs were in these crates. None of the crates contained dishes for food or water. There was urine and fecal matter in the bottom of the kennels. All of the dogs were barking, more than half were clawing and lunging at the kennel doors in attempts to escape. I deemed these dogs to be distressed due to their confinement.

4 of the seized animals were removed from Dog "E" Daycare and placed into the care of Airdrie Animal Health Centre. These included both dogs that required additional veterinary medical assessment – the severely matted Wheaton Terrier and the Red and White Boston Terrier.

**Large Labrador Retriever mix – neutered male, 34.1kg**

Physical Examination

GENERAL APPEARANCE: BAR on presentation.

Temperament: Friendly, FAS 3/5 trying to escape, pacing, panting, dilated pupils, non-aggressive

BCS: 5/9

HR: Unable to assess due to temperament.

RR: panting

Temp: not taken

Pain: 0/4

Hydration Status: Normal

EYE: No ocular discharge, clear cornea.

EAR: Normal carriage and position. Canals appear clear of discharge/debris.

MOUTH-TEETH: Pink and moist mucous membranes. Grade 1/3 tartar, mild gingivitis.

GASTROINTESTINAL: Tense on abdominal palpation. No masses or pain. Perineal area seems normal, free of feces, urine, parasitism or lesions.

CARDIOVASCULAR: No murmurs or arrhythmias heard on auscultation. Moderately strong and synchronous femoral pulses.

RESPIRATORY: Lungs were clear. Normal respiratory effort and character.

MUSCULOSKELETAL: Muscle condition score normal.

UROGENITAL: NAF

LYMPH NODES: Normal size and movable.

COAT-SKIN: Good condition. Flaking of skin along lumbar region.

NEUROLOGICAL: Normal mentation. Normal limb placement.

Assessment

Problem list:

1. Mild periodontal disease
2. Moderate FAS score

**Blue Merle Poodle – intact male, 9.5kg**

GENERAL APPEARANCE: BAR on presentation.

Temperament: non-aggressive but high FAS score of 4/5, trying to escape, panting, eyes dilated, biting at leash restraint but not people.

BCS: 4/9



HR: 112

RR: 20

Temp: not taken

Pain: 0/4

Hydration Status: Normal

EYE: No ocular discharge, clear cornea.

EAR: Normal carriage and position. Canals appear clear of discharge/debris.

MOUTH-TEETH: Pink and moist mucous membranes. Grade 2/3 tartar, mild gingivitis.

GASTROINTESTINAL: Tense on abdominal palpation. No masses or pain. Perineal area seems normal, free of feces, urine, parasitism or lesions.

CARDIOVASCULAR: No murmurs or arrhythmias heard on auscultation. Moderately strong and synchronous femoral pulses.

RESPIRATORY: Lungs were clear. Normal respiratory effort and character.

MUSCULOSKELETAL: Generalized reduced muscle condition.

UROGENITAL: Two descended testicles.

LYMPH NODES: Normal size and movable.

COAT-SKIN: Fecal matter and urine in fur, especially his feet. Some small mats on his head.

NEUROLOGICAL: Normal mentation. Normal limb placement.

#### Assessment

1. Poor coat condition with fecal matter and urine
2. Reduced muscle mass, generalized DDX: malnutrition, malabsorption, renal disease, liver disease, neoplasia, other.
3. Moderate periodontal disease
4. High FAS score

#### Red and White Boston Terrier – intact female, 6.7kg

GENERAL APPEARANCE: BAR on presentation.

Temperament: Shy but cooperative, FAS moderate 3/5 dilated pupils, shaking, averting gaze.

BCS: 5/9

HR: 120

RR: shaking making rate difficult to assess.

Temp: 37.5 C

Pain: 0/4

Hydration Status: Normal

EYE: No ocular discharge, clear cornea.

EAR: Normal carriage and position. Canals appear clear of discharge/debris.

MOUTH-TEETH: Pink and moist mucous membranes. Grade 1/3 tartar, mild gingivitis.

GASTROINTESTINAL: Tense on abdominal palpation. No masses or pain. Perineal area seems normal, free of feces, urine, parasitism or lesions.

CARDIOVASCULAR: No murmurs or arrhythmias heard on auscultation. Moderately strong and synchronous femoral pulses.

RESPIRATORY: Lungs were clear. Normal respiratory effort and character.

MUSCULOSKELETAL: Muscle condition score normal.



UROGENITAL: Bloody discharge from vulva, vulvar development.

LYMPH NODES: Normal size and movable.

COAT-SKIN: Good condition.

NEUROLOGICAL: Normal mentation. Normal limb placement.

**Diagnostics:**

AFAST ultrasound – large bladder, food material within the stomach. No apparent dilated uterine loops that would be consistent with pregnancy or pyometra. Bloody discharge with vulvar engorgement indicates that she is likely in heat. Cannot rule out very recent breeding.

**Assessment**

1. In heat
2. Mild periodontal disease
3. Moderate FAS score

**Wheaten terrier – intact male, 10.5kg (after shaving)**

Over the phone authorization from SPCA Karen Stevenson to proceed with sedation physical examination and shave. Discussed risk of anesthetic complications since we are unable to perform a physical examination prior to sedation. Risks accepted and authorized to proceed.

**Physical exam**

GENERAL APPEARANCE: BAR on presentation.

Temperament: Averting gaze, panting, eyes dilated, bit attempt at leash, defecation, urination with restraint. Severely high FAS score. Fear aggressive.

Sedation with 0.010mg/kg dexdomitor, 0.2mg/kg butorphanol, 2mg/kg ketamine all given IM, topped up with 2mg/kg alfaxalone IM.

BCS: 3/9

HR: 84 (sedated)

RR: 16 (sedated)

Temp: not taken

Pain: 1/4

Hydration Status: Normal

EYE: No ocular discharge, clear cornea.

EAR: Normal carriage and position. Canals appear clear of discharge/debris.

MOUTH-TEETH: Pink and moist mucous membranes. Grade 2/3 tartar, mild gingivitis.

GASTROINTESTINAL: Soft on abdominal palpation. No masses or pain.

CARDIOVASCULAR: Moderately strong and synchronous femoral pulses. Transient grade 1/6 systolic heart murmur with PMI left thorax. This was auscultated when first sedated, when recovering, no murmur was heard. Likely drug induced from sedation.

RESPIRATORY: Lungs were clear. Normal respiratory effort and character.

MUSCULOSKELETAL: Generalized mildly reduced muscle condition score.

UROGENITAL: Two descended testicles.

LYMPH NODES: Normal size and movable.

COAT-SKIN: Severe matting with urine and fecal matter in the matted fur. Animal's weight prior to shaving was 11.2kg, after shaving 10.5kg, meaning 700 grams of matting and fur were removed. 0.8 cm diameter healing scab identified under the mat on his right thorax. Large pustule on the inside of the right thigh. Moist pyoderma from fecal scalding on the underside of the tail.

**Assessment**

**Problem list**

1. Severely high FAS score
2. Moderate periodontal disease
3. Severe matting with urine and fecal matter
4. Poor body and muscle condition score DDX: malnutrition, malabsorption, internal parasitism, renal disease, liver disease, neoplasia, other

**Immediate recommendations**

- Provide free access to water for every animal in their housing
- Improved ventilation
- Tick preventative medications for every animal in the facility

**Other recommendations**

- Cleaning/disinfection of facility
- Continued upkeep of cleaning/disinfection
- Dental COHAT (complete oral health assessment and treatment) of the black Cocker Spaniel
- Serious consideration of the quality of life of the Wheaton Terrier, is he adoptable? Consider humane euthanasia.



image 1



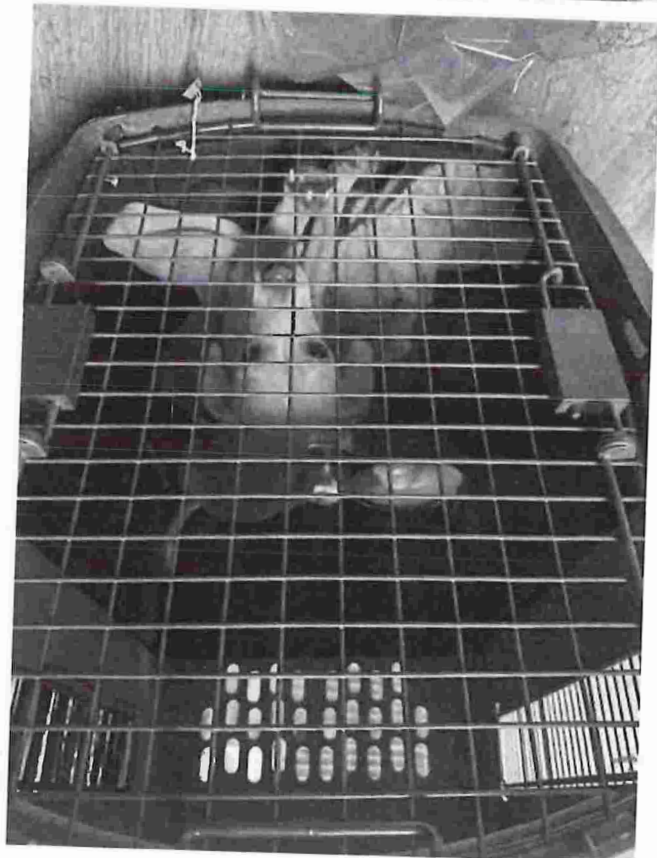
image 2





image 3



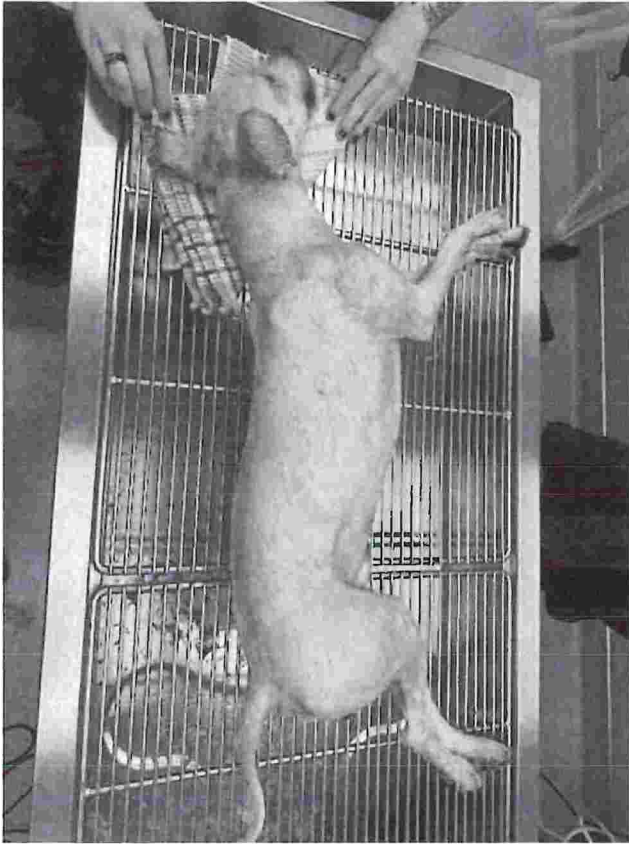


























**Genesis Place**  
800 East Lake Blvd NE  
Airdrie, AB T4A 2K9  
F: 403.948.0604

**City Hall**  
400 Main Street SE  
Airdrie, AB T4B 3C3  
F: 403.948.6567

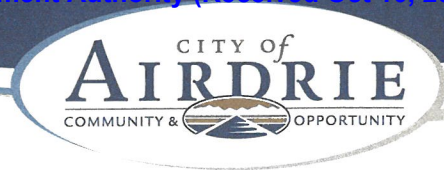
**Tel: 403.948.8800**  
**1.888.AIRDRIE**  
**airdrie.ca**

**Parks/Public Works**  
23 East Lake Hill NE  
Airdrie, AB T4A 2K3  
F: 403.948.8403

**Municipal Enforcement**  
2 Highland Park Way NE  
Airdrie, AB T4A 0R1  
F: 403.948.0619







October 7, 2022

**INSPECTION NOTICE**

Trina Demeria  
Dog E Daycare  
EJ Rescue  
#2, 69 East Lake Crescent NE  
Airdrie, AB T4A 2H3

Hand Delivered Oct 7, 2022  
File 128-22

Subject: **Adverse Effects and Nuisance**  
#2, 69 East Lake NE

It has come to the attention of the Planning Department that your business has created Adverse effects with the odours.

Please be advised that as per Land Use Bylaw B-01/2016:

Section 7.1 Adverse Effects and Nuisance

- (1) Sites and buildings in all districts shall be maintained in a clean manner, free from all rubbish and debris.
- (2) No use, activity or storage of goods may be undertaken except where specifically provided under a land use district, which, in the opinion of the Development Authority, constitutes a hazard or annoyance to persons on public property or any other site, by reasons of generation of:
  - (a) Noise or vibration
  - (b) Smoke, dust or other particulate matter
  - (c) Odour**
  - (d) Toxic or noxious matter
  - (e) Fire and explosive hazards
  - (f) Radiation hazards
  - (g) Excessive heat, humidity or glare or
  - (h) Refuse matter, waste, or waterborne waste.

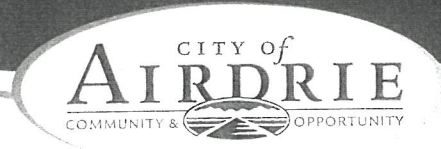
**A site visit will be conducted on October 11, 2022 at 11:00 am**

Failure to comply with this notice may subject you to a \$1000 fine for each contravention of the City's Land Use Bylaw.

Please contact the undersigned at 948-8800 ext 8750 should you have any questions.

Regards,





November 29, 2022

**FIRST NOTICE**

Trina Demeria  
Dog E Daycare  
EJ Rescue  
#2, 69 East Lake Crescent NE  
Airdrie, AB T4A 2H3

File 128-22

Subject: **Adverse Effects and Nuisance**  
#2, 69 East Lake NE

It has come to the attention of the Planning Department that your business has created Adverse Effects through odours and refuse matter.

Please be advised that as per Land Use Bylaw B-01/2016:

**Section 7.1 Adverse Effects and Nuisance**

- (1) Sites and buildings in all districts shall be maintained in a clean manner, free from all rubbish and debris.
- (2) No use, activity or storage of goods may be undertaken except where specifically provided under a land use district, which, in the opinion of the Development Authority, constitutes a hazard or annoyance to persons on public property or any other site, by reasons of generation of:
  - (a) Noise or vibration
  - (b) Smoke, dust or other particulate matter
  - (c) **Odour**
  - (d) Toxic or noxious matter
  - (e) Fire and explosive hazards
  - (f) Radiation hazards
  - (g) Excessive heat, humidity or glare or
  - (h) **Refuse matter, waste, or waterborne waste.**

**You must prevent odour and refuse matter from your business from affecting other businesses. You must pick up the dog waste on a daily basis so the waste does not accumulate.**

Failure to comply with this notice may subject you to a \$1500 fine for each contravention of the City's Land Use Bylaw.

Please contact the undersigned at 948-8800 ext 8750 should you have any questions.



January 4, 2023

**SECOND NOTICE**

Trina Demeria  
Dog E Daycare  
EJ Rescue  
#2, 69 East Lake Crescent NE  
Airdrie, AB T4A 2H3

File 128-22

Subject: **Adverse Effects and Nuisance**  
#2, 69 East Lake NE

It has come to the attention of the Planning Department that your business has created Adverse Effects through odours and refuse matter.

Please be advised that as per Land Use Bylaw B-01/2016:

**Section 7.1 Adverse Effects and Nuisance**

- (1) Sites and buildings in all districts shall be maintained in a clean manner, free from all rubbish and debris.
- (2) No use, activity or storage of goods may be undertaken except where specifically provided under a land use district, which, in the opinion of the Development Authority, constitutes a hazard or annoyance to persons on public property or any other site, by reasons of generation of:
  - (a) Noise or vibration
  - (b) Smoke, dust or other particulate matter
  - (c) **Odour**
  - (d) Toxic or noxious matter
  - (e) Fire and explosive hazards
  - (f) Radiation hazards
  - (g) Excessive heat, humidity or glare or
  - (h) **Refuse matter, waste, or waterborne waste.**

**You must prevent odour and refuse matter from your business from affecting other businesses. You must pick up the dog waste on a daily basis so the waste does not accumulate. You must contact Shannon McCarron by January 18, 2023 with a detailed plan on how the offsite effects will be dealt with.**

Failure to comply with this notice may subject you to a \$1500 fine for each contravention of the City's Land Use Bylaw.

Please contact the undersigned at 948-8800 ext 8750 should you have any questions.





Calgary Subdivision and Development Appeal Board  
P.O. Box 2100, Station M, # 8110,  
Calgary, AB T2P 2M5  
Email: info@calgarysdab.ca



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**CALGARY SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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*Citation: 2007 CGYSDAB 27*

Case Name: SDAB2007-0027 (Re)

File No: DP2006-4146

Appeal by: Municipal Counsellors

Appeal against: Development Authority of The City of Calgary

Hearing date: March 29, 2007

Decision date: April 12, 2007

Board members: Rick Grol, Chairman  
Alderman André Chabot  
John Gescher  
Robert Homersham  
Robert Merchant  
Bill Scott

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**DECISION**

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**Basis of appeal:**



This is an Appeal from a refusal by the Approving Authority ("Authority") for a Development Permit made on the application of **Loud Design** for a **change of use – liquor store expansion** at 6404, 6424 & 6428 Bowness Road NW and 6411 & 6415 Bow Crescent NW.

### **Description of Application:**

The Appeal before the Subdivision and Development Appeal Board ("Board") dealt with a refusal by the Authority for a change of use for a liquor store expansion at 6404, 6424 & 6428 Bowness Road NW and 6411 & 6415 Bow Crescent NW. The properties are located in the community of Bowness and have land use designations of C-2(16), General Commercial District and R-1, Residential Single-Detached District.

### **Adjournment:**

The Appeal was originally scheduled for March 15, 2007 and adjourned to March 29, 2007 due to insufficient time to hear the matter.

### **Hearing:**

The Board heard verbal submissions from:

Andy Orr, representing the Authority;  
Chris Davis, Appellant and legal counsel representing the Applicant/Developer/Owner, in favour of the Appeal;  
Judy Steele, representing the Society of Bowness Residents, opposed to the Appeal;  
Marilyn Mora, president of the Society of Bowness Residents; opposed to the Appeal;  
Michael Marion, legal counsel for Bow Liquor, opposed to the Appeal; and  
Richard Hewitt, neighbouring resident, opposed to the Appeal.

### **Summary of Evidence:**

#### The Authority:

The Authority presented evidence regarding its decision to refuse an application for a change of use – liquor store expansion. The liquor store portion is situated at 6404 Bowness Road NW, but the overall site involves other addresses that are used for parking purposes. These include 6424 and 6428 Bowness Road NW and 6411 and 6415 Bow Crescent NW.

The subject site is surrounded by Bow Crescent NW and single-detached dwellings to the north, local commercial development to the south and east, and single-detached dwellings and local commercial development to the west. The site contains a hotel with commercial uses including retail and restaurant/drinking establishment uses on the main floor, and parking lot areas to the rear and east.

The site was “notice posted” for two weeks and the application was circulated to the Bowness Community Association and the Calgary Police Services for a Crime Prevention Through Environmental Design review. There were concerns expressed by the Society of Bowness Residents and other written objections received as a result of the “notice posting”.

A business use confirmation approval from April 2005 identifies an area of approximately 31 square metres for the existing off-sales of liquor on the premises. The proposed liquor store expansion has a gross floor area of approximately 217.85 square metres. In the opinion of the Authority, the proposal is such a significant intensification of use it should be evaluated as a new liquor store.

In evaluating the application, the Authority noted that there is an existing approved liquor store located approximately 85 metres from the site and a school located only 60 metres from the site. A 152 stall parking deficiency currently exists and, based on the original plans submitted; this application would further increase the deficiency to 166 stalls.

In the opinion of the Authority, the required relaxations for the proposed change of use could not be supported. The increase in intensity of use for the site and the required relaxations for the separation requirements from an existing liquor store and private school were considered to be excessive and not respectful of the requirements or the intent of The City of Calgary Land Use Bylaw 2P80 (“Bylaw”). The Authority found no compelling planning rationale to grant the requested relaxations and, as a result, the application was refused.

#### In Favour of the Appeal:

At the outset of the presentation, the Appellant requested that the Board accept an amended set of plans showing a reduction in the size of the liquor store to 100.8 square metres. As a result, the parking requirement would be reduced to 157 stalls, as opposed to the 166 stalls refused by the Authority.

Additionally, the Appellant raised an issue that based on the Authority’s presentation, if off-sales is not considered a liquor store then a Development Permit (“DP”) would not be required for expanding the off-sales portion within the already existing approved restaurant/lounge/VLT facility. The Appellant provided the Board with an extensive review of the history of the site, site conditions, licences obtained and the previous permits granted for the Bowness Hotel (“Hotel”) in support of this argument. As a result, the Appellant requested that the Board make a preliminary ruling on the arguments presented by the Authority that no DP is required if the subject use is

considered ancillary to the already approved use. It would therefore be considered an alteration within the existing building and consistent with a previous approval that is working within the already approved 1972 permit.

The following summarized the Appellant's arguments:

The definition of liquor stores as outlined in Section 4 of the Bylaw means "the use of a building or portion thereof as a retail outlet licenced by the Province of Alberta for the sale of alcoholic beverages for consumption off-premises." A copy of the current Class "D" (subcategory "LP", "HO" - general off-sales) licence, as per the Alberta Gaming & Liquor Act, was presented as evidence to the Board, as it is relevant that the use be licenced. It was submitted that the definition of "liquor store" is appropriate as there is no distinction in the Bylaw between off-sales and retail sales and that off-sales is a form of retail sales. As a result, this DP application was submitted for a change of use – liquor store expansion, as the definition is broad enough to include off-sales.

The Appellant outlined the primary issues raised regarding this application, which include the contravention of the specific requirements for liquor stores as found in Section 33(7)(d) of the Bylaw. Those issues are proximity and separation distance to another liquor store, separation from schools, parking and visual screening. With respect to screening, it is not unusual for loading and unloading to occur at the front of a building. Considering that deliveries would likely occur only once or twice per week, for a few hours at a time, the front of the store could be an acceptable location for loading and unloading.

As presented, the Appellant's client wishes to be a vital part of the Bowness community. Bowness was annexed into Calgary in 1964 and is currently going through revitalization. The Hotel was completed in 1954 and is considered an important part of the community's Mainstreet. Like the community, the Hotel is currently going through its own revitalization with exterior changes and renovations. The individual letter styling has re-emerged, in order to bring it back to its original 1950's theme and respectful of that time.

It was submitted that there is sufficient parking on the site to allow the existing uses to continue, even with the increased parking requirement. A copy of the "Bowness Road Parking Utilization Study" dated February 23, 2006 was presented to the Board. This Study was prepared in preparation for the expansion of the Hotel. Three locations (routes) in the area were studied separately for the impact on parking to the Hotel's neighbouring residential and commercial areas. The Hotel was located central to the study area and the study area was then divided into three zones: the Bowness Road route, the north side route and the south side route. The summary results were reviewed in detail and, in the Appellant's opinion, are applicable today. The figures indicate that parking demand is relatively low and under-utilized and that there is unused, untapped off-site parking available.

The 1972 approval and the numbers and areas authorized, suggest that parking is sufficient on the site. While the Board cannot count off-site parking, it has in the past

been able to look at parking availability in the area to determine if, in fact, off-site parking might generally be available. With respect to the grandfathering and relaxation, any use that remains within the building will be carried forward and the same grandfathering of parking applies. Based on the calculations provided, there is a parking improvement with what is being proposed on the site. As long as what was approved in 1972 remains, the parking demand may decrease on the site.

Bow Liquor, which is a liquor store within 85 metres of the subject site, was approved in 1999 for a five year term and was granted a renewal in 2005. The original approval predated the General Planning Criteria approved by Council in October 2000, after this decision was issued. In 2005, the Applicant had to address the issue of proximity to another approved liquor store. The Authority, under the current guidelines and now the Bylaw, approved this location. The Appellant noted that under the current requirements, Bow Liquor was approved with the off-sales location existing. There is no substantive change between 2005 and today and the same elements exist.

It was submitted that at 6331 Bowness Road NW, there is an existing Calgary Board of Education School, which originally started operating as a youth facility. With respect to this application being an alteration of the interior space and maintaining the same facility, there would be no material or adverse impact on the existing school, as nothing is changing from what currently exists.

In summary, the Appellant submitted that his client is looking to attract uses that have lower parking demands on the site and uses that complement the site and the community. It is believed that this liquor store expansion would not be intrusive upon the neighbouring liquor store or cause an impact to the School. Even though there may be a modest increase in the intensity of use, whatever is taken up by the liquor store expansion would reduce the existing VLT lounge. As such, it is functionally the same use. There is no real change occurring; liquor stores fall under that classification and are within the scope of those commercial requirements. The Appellant requested that, to the extent necessary, the Board confirm that any required relaxations are fair, sound and reasonable and should be allowed on the basis that the proposed development satisfies the test under Section 687(3)(d) of the *Municipal Government Act*.

#### Opposed to the Appeal:

A representative for the Society of Bowness Residents presented the following with respect to the Appeal and the reasons for refusal as outlined by the Authority.

Section 643(3) of the *Municipal Government Act* states that a “non-conforming use of the part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.” Accordingly, the expansion of the existing liquor store would require structural alterations in the building and would therefore lose its “non-conforming” status.



In the Society's opinion, the non-conforming status does not exist nor do off-sales constitute a liquor store. The Appellant argued that the liquor store use predates Development Control Bylaw 7839 and that it should be grandfathered into the current Bylaw. The Government of Alberta privatized liquor retailing, warehousing and distribution in 1993, 13 years after the Development Control Bylaw 7839 became legislation and, indeed, 37 years after the Hotel was believed to have begun off-sales. The Government of Alberta approved beer off-sales from hotels in 1934. If it thought that off-sales were the same as liquor stores, it would have had no reason to change the law in 1993 to allow liquor stores.

The Appellant submitted that the Hotel began providing off-sales in 1956, where if a person wanted to purchase beer, they went to the bar, paid for it and took it off the premises. Off-sales referred to beer you could purchase from the bar and take off the premises, which is different than liquor store sales. In 1990, the Government of Alberta expanded hotel off-sales from beer only to beer, wine and spirits (10 years after the current Bylaw came into effect). Accordingly, even if off-sales were defined as liquor stores, only the sale of beer would be grandfathered in.

The location of the Hotel is adjacent to an R-1 community and its commercial parking lot is zoned R-1, in which parking is not a listed use in the Bylaw. The proposed liquor store expansion would violate the current Bylaw with respect to the separation distance between another liquor store in the area and the separation distance from a school. By its sheer size, it would constitute a significant intensification of the use on the site and an increase in the number of parking stalls required. To accept that there is sufficient surplus community parking to satisfy the requirements for this development is unacceptable. Commercial parking should not be infringing upon an R-1 area. Bow Crescent NW is not set up for commercial parking, nor is any other residential street in area.

With respect to the Bowness Area Redevelopment Plan ("ARP") approved in 2000, the community has been trying to maintain a small town atmosphere. The vision statement in the ARP states that it needs "to ensure all existing and new development contributes to the enhancement of Bowness as a unique community with its own small town history and spirit." Approving this application would result in a negative impact on the small-town atmosphere and is not warranted. The community of Bowness, in particular, Mainstreet Bowness, is presently well served with the availability of purchasing liquor. This large expansion in a three-block area of Mainstreet, would not contribute to the mix envisaged by the ARP, and would do nothing to enhance Mainstreet Bowness. In fact, would detract from all the efforts made to date.

In summary, the liquor store expansion would be contrary to the ARP and Section 687(3)(d) of the *Municipal Government Act*, in that it would unduly interfere with the amenities of the neighbourhood and materially interfere with and affect the use, enjoyment and value of the neighbouring parcels of land.

Legal counsel for Bow Liquor presented evidence regarding its support in upholding the Authority's decision to refuse the subject change of use application. It was submitted

that Bow Liquor is an affected party as it would be “affected by the order, decision or permit” sought after by the Appellant, as contemplated by Section 687(1)(d) of the *Municipal Government Act*. Further, Bow Liquor operates a retail liquor store at 6336 Bowness Road NW, within close proximity to the subject site and its use of, enjoyment and value of its property would be considered affected by the proposed development. Bow Liquor holds a retail liquor licence pursuant to Class “D” under Section 47 of the Alberta Gaming and Liquor Regulation.

The proposed expansion of the subject liquor store would involve the removal of and addition of walls within the building, in which the off-sales component would be located. If the Board found that a liquor store would not include off-sales, the change in intensity alone, would require a DP.

With respect to the legal non-conforming use issue, Section 643(3) of the *Municipal Government Act* applies, where “a non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alteration may be made to it or in it”. The subject application would be an intensification of use and may take it out of the realm of Section 643(3) but, more importantly, even if it would fall within Section 643(3), evidence was presented that there would be structural alterations required.

It was submitted that the paramount consideration by the Board is the ARP. Mainstreet is an important component and specifically referenced in the ARP, with both liquor stores (Bow Liquor and Bowness Hotel Liquor store) on Mainstreet. The ARP states, in part, on page 33: “there are opportunities to strengthen the positive role of the street and possibly increase overall sales to Bowness residents through increasing and improving the mix of uses...”.

The following Objectives, as outlined on page 34 of the ARP for Mainstreet were addressed.

2. Revitalize Mainstreet to:
  - Improve business in the long term for merchants;
  - Attract more quality businesses – provide goods and services;
  - Improve the visual attractiveness and pedestrian safety.
3. Encourage new development to contribute to creating a small town atmosphere along Mainstreet.
4. Establish a long term parking strategy to encourage new business development while avoiding unacceptable overspill parking in the residential community.

The existing and proposed liquor store would be 85 metres away from Bow Liquor, which would not improve the mix of uses, foot traffic or benefit the community at large. Furthermore, it is a redundancy of services. The ARP recognizes the existing merchants in the area and Bow Liquor is an existing merchant and therefore should be

taken into account. Additionally, having two liquor stores beside each other would not improve the visual attractiveness of the area, nor would it be consistent with the small town atmosphere along Mainstreet, as identified in the ARP. This is evident in the letters of opposition submitted. In summary, the proposed use goes beyond the off-sales use and therefore the Appeal should be denied.

**Decision:**

In determining this Appeal, the Board:

- complied with the provincial legislation and land use policies, applicable statutory plans and, subject to variation by the Board, The City of Calgary Land Use Bylaw 2P80 and all other relevant City of Calgary Bylaws;
- had regard to the subdivision and development regulations; and
- considered all the relevant planning evidence presented at the hearing, the arguments made and the circumstances and merits of the application.

1. The Appeal was denied and the decision of the Authority was upheld.
2. The Development Permit shall not be issued.

**Reasons:**

Having considered the written, verbal and photographic evidence presented, the Board noted the prior approval for a hotel and banquet room with an additional loading dock. The Board also noted that there was evidence that there had been continuous off-sales of liquor occurring at the site from at least 1972 to the present.

The Board accepted the amended plans that were presented by the Appellant showing a reduction in the size of the liquor store from the plans originally submitted with the subject application.

The Board determined that the key issue to address was the intensification of the proposed change of use, which would expand the existing off-sales premises to a fully operational liquor store. Parties opposed to the Appeal argued that approval of this change of use would be tantamount to adding another liquor store. An additional concern was raised regarding a separate entrance from the street, which would, in effect, show another liquor store on the streetscape. The prior off-sales of liquor was intended for patrons of the Hotel, which is evidenced by the fact that the entry was gained on an interior basis. The existing liquor sale location is functional as it currently exists, a fact which was not disputed by the Appellant's legal counsel.

In addressing the issue pertaining to the legal non-conforming use, the Board concluded that the proposed expansion should be assessed as a liquor store as it best fits that definition of the Bylaw. Additionally, the proposed liquor store would increase in size and would be in a different location in the premises and structural changes to walls and points of entry and exit would be required. Given the structural changes, Section 643(3) of the *Municipal Government Act* does not apply. The Board further noted that regardless of whether or not there has been a continuous sale of liquor on the premises, the proposal would increase the intensity of the use and therefore requires Development Permit approval. As such, the Board evaluated the subject application on the basis of the current rules of the Bylaw pertaining to parking and distances from other liquor stores and schools.

With regard to parking, the Board considered the Bowness Road Parking Utilization Study provided and concluded that the usage of parking is below what would normally be the required for this type of use. Given the fact that this facility has been functioning for as long as it has, the Board found inconclusive evidence to support that there is an issue with respect to parking, even if the proposed change of use would require an addition five parking stalls.

In terms of the Bylaw requirements pertaining to separation distances to other existing liquor stores (300 metre separation distance required) and to schools (150 metre



separation distance required), the proposed liquor store would be located 85 metres from an existing liquor store and 60 metres from a school. These separation distances are considerably less than the Bylaw requirement. Given the intensification of the use associated with the proposed liquor store, the Board concluded that pursuant to Section 687(3)(d) of the *Municipal Government Act*, the relaxations would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land.

For the reasons stated, the Board denied the Appeal and the Development Permit shall not be issued.

Approved:

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Rick Grol, Chairman  
Subdivision and Development Appeal Board

Issued on this 12 day of April, 2007

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Maureen Boudreault, Manager and Designated Officer  
Subdivision and Development Appeal Board